



# Implementation of General Elections for Indigenous Peoples in Fulfilling Political Rights

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**Abstract.** Implementing elections for indigenous peoples in Indonesia is challenging. It requires an approach that is sensitive to their needs and aspirations. Challenges include limited understanding, low political participation, information gaps, and incompatibility with indigenous values and practices. To fulfill indigenous peoples' political rights, it is important to involve them in all stages of elections and respect their customary legal systems. Political education and accurate information need to be provided. Cooperation between governments, electoral bodies, and civil society organizations is important. The implementation of elections for indigenous peoples strengthens political participation, preserves cultural identity, and promotes recognition of their special values and interests. Protection of indigenous peoples' rights, justice, equality, and non-discrimination must be guaranteed. The research method used in this research is normative juridical research or doctrinal research using comparative legal research. Overall, the protection and recognition of the rights of indigenous peoples is an important step in building an inclusive and just state. By upholding the principles of equality and justice, the state can ensure equal political participation for all citizens, including indigenous groups, so that they can contribute fully to national development.

**Keywords:** Election, Indigenous, Political Rights

## 1 Introduction

General Elections are one of the important mechanisms in a democratic system that allows citizens to elect their representatives in Government Institutions. However, in the context of indigenous peoples, the implementation of elections is often faced with many challenges and needs to be implemented with due regard to the specificities and rights of indigenous peoples.

Indigenous peoples are groups that have strong ties to the land, traditions, and culture that are different from most of the population in a country.

Indigenous peoples have unique social systems, customary laws, and institutional structures, which play an important role in the fulfillment of their political rights. The implementation of electoral delivery for indigenous peoples requires an approach that is sensitive to their needs and aspirations. Some of the challenges faced are limited understanding of electoral processes, low political participation, information gaps, and incompatibility between electoral values and mechanisms and indigenous peoples' beliefs and practices.

To fulfill indigenous peoples' political rights, it is crucial to actively involve indigenous peoples in all stages of elections, from the drafting of electoral regulations, voter registration processes, and political campaigns, to voting and vote counting. This involvement of indigenous peoples must be done by considering and respecting their customary legal and institutional systems.

In addition, political education and accurate information about the electoral process need to be provided to indigenous peoples. This will help increase their political participation and enable them to make informed decisions about candidates and political platforms.

In implementing elections for indigenous peoples, collaboration between the government, electoral institutions, and civil society organizations is key to success in bringing order to Indonesia's Electoral System. Governments need to recognize and respect the special rights of indigenous peoples, while electoral institutions and civil society organizations can provide technical guidance and assistance to ensure inclusive and fair elections for indigenous peoples.

With proper implementation, elections for indigenous peoples can be an effective means to fulfill their political participation in decision-making processes relating to public policies that directly affect their lives. The implementation of elections for indigenous peoples can also contribute to the overall strengthening of democracy. By involving indigenous peoples in the electoral process, political pluralism can be realized, and their voices and perspectives can be recognized and valued in policy formation.

In addition to the fulfillment of political rights, the implementation of elections for indigenous peoples can also help maintain and preserve their cultural identity. Participation in elections allows them to promote the values and special

interests of indigenous peoples, as well as strengthen the recognition of their cultural heritage at the national and international levels.

Furthermore, it is important to remember that the implementation of elections for indigenous peoples should be based on the principles of human rights, justice, equality, and non-discrimination. Protection of indigenous peoples' rights must be guaranteed, including the right to develop their customary legal systems and exercise their traditional practices.

## **2. RESEARCH METHOD**

The type of research used in this research is normative juridical research or doctrinal research. Normative juridical research is legal research conducted by examining library materials or secondary data only often also called library legal research. Normative legal research or literature includes research on legal principles, research on legal systematics, research on vertical and horizontal synchronization, comparative legal research, and legal history research. In this research, the author uses a type of normative juridical research using comparative or comparative legal research. According to Rene David and Brierly, one of the benefits of comparative law is to better understand and develop national law.

## **3. FINDINGS AND DISCUSSION**

This research is basically to answer three main problems that are interrelated so that an ideal model can be found as the main objective of this research. The three problems are What accessibility barriers do indigenous peoples face in exercising their right to vote? What is the position of local believers in the Indonesian citizenship system? And how is the protection of indigenous peoples' constitutional rights in general elections based on the Indonesian constitutional system?

A. What accessibility barriers do indigenous peoples face in exercising their right to vote?

The problem of voter registration that does not include indigenous

peoples in Indonesia can have an impact on their political participation. Indigenous peoples who are not registered as voters cannot vote in general elections and their political interests are not represented. In addition, accessibility is an obstacle for indigenous peoples in reaching polling stations. Indigenous peoples living in remote or hard-to-reach areas often find it difficult to reach polling stations. This can hinder their political participation and reduce their voting rights.

Another issue faced by indigenous peoples is recognition as legitimate voters. Indigenous peoples are often not recognized as legitimate voters, as they do not have an officially recognized identity. An officially recognized identity is an important requirement in the voter registration process. However, indigenous peoples often do not have access to such an identity, such as a KTP or KK. This can hinder their political participation and reduce their voting rights.

In addition, indigenous peoples also often face obstacles in understanding the electoral process and their political rights. Political education and socialization can be a solution to increase indigenous peoples' awareness of their political rights. By increasing political awareness, indigenous peoples can be more active in fighting for their rights and electing leaders who represent their interests.

In the long term, efforts should also be made to increase indigenous peoples' political participation through economic and social empowerment. By improving the welfare of indigenous peoples, they can be more active in fighting for their rights and electing leaders who represent their interests.

Overall, the political participation of indigenous peoples in Indonesia still faces various obstacles. However, with the efforts made by the government and the community, it is hoped that the political participation of indigenous peoples can be increased, and their rights can be well represented.[1]

Other research also shows that indigenous peoples often experience difficulties in gaining accessibility in obtaining socio-economic services, including the right to vote.[2] In addition, some indigenous peoples also

experience difficulties in defending their rights, especially when dealing with outsiders.[3]

However, there are efforts to improve the inclusiveness of elections for indigenous peoples, as described in the research. One example is eliminating the role of village-level ad hoc bodies in their task of dealing with certain community groups and transferring them to sub-district-level ad hoc bodies. In addition, the KPU is present to offer a political solution by guaranteeing the voting rights of certain community groups.

B. What is the position of local believers in the Indonesian citizenship system?

Local believers in Indonesia are part of Indonesian citizens who have the same rights as other citizens. However, in practice, there are still injustices and discrimination against minority communities, including local believers, in the exercise of their political rights.

One example of such injustice is that there are still many people who adhere to local beliefs and do not have Electronic ID cards, so they are not registered as permanent voters in general elections. This is of course very detrimental to local believers who want to vote in general elections.

To overcome this problem, efforts are needed from the state to ensure that the voting rights of local believers are constitutionally protected and fulfilled in general elections. As a democratic country, Indonesia must ensure that all its citizens have equal rights in the exercise of their political rights.

Research conducted in 2019 shows that adherents of local beliefs must have their voting rights accommodated by the state, as stipulated in Article 27 paragraph (1) of the 1945 Constitution. Therefore, the state must ensure that local faith communities have the same access as other citizens in terms of registration as permanent voters and the exercise of their voting rights in general elections.

In this regard, the government can make various efforts, such as providing socialization and political education to local believers, as well as ensuring that regulations and policies related to elections do not discriminate

against minority communities. Thus, it is hoped that local believers can feel the protection of their constitutional rights in the exercise of political rights in Indonesia.[4]

- C. How is the protection of indigenous peoples' constitutional rights in general elections based on the Indonesian constitutional system?

Article 27 paragraph (1) of the 1945 Constitution states that every citizen has equal standing before the law and government. Therefore, indigenous groups, including adherents of local beliefs, must have their right to vote and to be elected accommodated by the state. This means that the political rights of indigenous groups must be fulfilled equally with other citizens, including the right to vote, and be elected in general elections.

Article 27 paragraph (1) of the 1945 Constitution is a constitutional foundation that guarantees the equal status of every Indonesian citizen before the law and government. In this context, it is important to provide protection and recognition of the political rights of indigenous groups. Indigenous peoples are an integral part of the Indonesian nation and have equal rights to participate in political and decision-making processes.

The state must also recognize and respect the rights of indigenous peoples, including their political rights. This means that the government must draft laws related to the protection of indigenous rights and create representation mechanisms for indigenous peoples who have not been accommodated through the party system.

Laws protecting the rights of indigenous peoples must be implemented to ensure that they can exercise their political rights freely. In addition, the government needs to create adequate representation mechanisms for indigenous peoples so that their voices are heard, and their aspirations considered in decision-making processes that impact their lives.

In addition, the state must enforce the law fairly and equitably, without discrimination against indigenous groups. This is important to ensure that indigenous people's rights are protected and respected, as well as to prevent abuse of power by authorities.

The fair and equitable application of the law is a fundamental principle

in maintaining justice for all citizens, including indigenous peoples. States must protect indigenous peoples from discrimination and ensure that they have equal access to justice and legal protection. This also involves handling cases of human rights violations that may occur against indigenous peoples firmly and fairly.

To ensure the fulfillment of the political rights of indigenous groups, the government must also pay attention to their needs and aspirations in the national development process. This can be done through dialog and active participation of indigenous peoples in decision-making processes related to their interests.

Indigenous peoples have specific needs and aspirations that need to be considered in national development. The government must involve indigenous peoples in decision-making processes relating to policies and programs that may affect their lives. Through inclusive dialogue and active participation of indigenous peoples, the government can ensure that development policies and programs are in line with their needs and aspirations.[5]

In conclusion, the state needs to provide protection and recognition of the rights of indigenous peoples, including their political rights. This can be done through the drafting of appropriate laws, adequate representation mechanisms, and fair and equitable law enforcement. Thus, indigenous peoples can feel valued and recognized as an integral part of the Indonesian nation.

As a country that values cultural diversity and identity, Indonesia needs to respect the political rights of indigenous peoples. The protection and recognition of indigenous people's rights is an important step in building an inclusive and just state. By upholding the principles of equality and justice, the state can ensure equal political participation for all citizens, including indigenous groups, so that they can fully contribute to national development.[6]

#### 4. CONCLUSION

The recognition and protection of the political rights of indigenous peoples are crucial in a democratic system. In the context of Indonesia, implementing general elections for indigenous peoples faces various challenges that require careful consideration of their specific needs and rights. Active involvement of indigenous peoples in all election stages, provision of accurate political education, and the preservation and respect for their customary legal systems are vital steps to fulfill their political rights.

In addition to political rights fulfillment, the implementation of general elections for indigenous peoples can contribute to the preservation of their cultural identity. Participation in elections enables them to promote indigenous values and interests while strengthening the recognition of their cultural heritage at the national and international levels.

To ensure the fulfillment of indigenous peoples' political rights, the government needs to acknowledge and respect their specific rights, actively engage them in decision-making processes, and provide fair and equal law enforcement. Furthermore, the government should actively involve indigenous peoples in policy-making processes concerning their interests and ensure just handling of human rights violations cases involving indigenous communities.

Hopefully, with these measures, general elections for indigenous peoples can serve as an effective means to enhance their political participation in decision-making processes regarding public policies that directly impact their lives. Moreover, the implementation of such elections can contribute to overall democracy strengthening by realizing political pluralism and valuing the voices and perspectives of indigenous peoples in policy formation.

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