

HUMAN RIGHTS VIOLATIONS AGAINST SEVERELY ILL VOTERS IN GENERAL ELECTIONS: A SIYASAH DUSTURIYAH PERSPECTIVE

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Abstract

Voting rights in general elections constitute a fundamental human right guaranteed by the constitution and serve as an essential element in realizing an inclusive democracy. However, in practice, several issues remain, particularly concerning the fulfillment of voting rights for vulnerable groups, including voters who are in severe medical conditions. Critically ill voters are considered vulnerable because the exercise of their political rights may conflict with their rights to health, safety, freedom of will, and respect for human dignity. This study aimed to examine the potential human rights violations in the implementation of voting rights for severely ill voters in the 2024 General Election in Tomini Utara Village, Parigi Moutong Regency, and to analyze the issue from the perspective of Siyasa Dusturiyah. This research employed an empirical juridical method using statutory and case approaches. Data were collected through observation, interviews, and documentation. The findings indicate that the implementation of the 2024 General Election in Tomini Utara Village still has the potential to create human rights violations against severely ill voters, particularly when voters who are medically unable to express their political will freely are still directed to exercise their voting rights. Such conditions potentially violate the principles of direct, free, and secret voting while also neglecting the rights to health and human dignity. From the perspective of Siyasa Dusturiyah, this situation demonstrates the need to strengthen policies and technical guidelines that are more oriented toward humanitarian values.

Keywords: *Voting Rights; Severely Ill Voters; Human Rights; 2024 General Election; Siyasa Dusturiyah.*

Abstrak

Pelaksanaan hak pilih oleh pemilih sakit berat dalam Pemilihan Umum berpotensi menimbulkan pelanggaran hak asasi manusia, khususnya terhadap hak kesehatan, kebebasan berkehendak dan martabat kemanusiaan. Penelitian ini bertujuan untuk mengkaji potensi pelanggaran hak asasi manusia dalam pelaksanaan hak pilih oleh pemilih sakit berat pada Pemilihan Umum Tahun 2024 di Desa Tomini Utara Kabupaten Parigi Moutong serta menelaahnya dari perspektif Siyasa Dusturiyah. Metode penelitian yang digunakan adalah penelitian yuridis empiris dengan pendekatan perundang-undangan dan pendekatan kasus. Pengumpulan data dilakukan melalui observasi, wawancara dan dokumentasi. Hasil penelitian ini menunjukkan bahwa pelaksanaan Pemilihan Umum Tahun 2024 di Desa Tomini Utara berpotensi menimbulkan pelanggaran hak asasi manusia terhadap dua pemilih sakit berat yang dimana secara medis tidak mampu menyatakan kehendak politik secara bebas namun tetap diarahkan untuk menggunakan hak pilihnya. Pelaksanaan hak pilih oleh pemilih sakit berat dalam Pemilihan Umum dapat menimbulkan pelanggaran hak asasi manusia apabila dilakukan dalam kondisi yang memperburuk kondisi kesehatan pemilih akibat tidak didasarkan pada kesadaran penuh atau mengabaikan kehendak bebas pemilih. Ketidakmampuan Dalam perspektif Siyasa Dusturiyah, kondisi tersebut menunjukkan

perlunya penguatan kebijakan dan pedoman teknis yang lebih berorientasi pada nilai kemanusiaan khususnya kategori bagi pemilih sakit berat.

Kata Kunci: *Hak Pilih; Pemilih Sakit Berat; Hak Asasi Manusia; Pemilihan Umum 2024; Siyash Dusturiyah.*

A. INTRODUCTION

General elections are conducted by a national, permanent, and independent election commission to ensure that the elections are conducted with integrity and in a democratic manner.¹ A government elected through democratic general elections must regard human rights as a vital aspect of state life and the administration of government. This provision is in line with Article 43, Paragraphs (1) and (2) of Law No. 39 of 1999 on Human Rights, which states that every citizen has the right to be elected and to vote in general elections based on equal rights through direct, universal, free, secret, honest, and fair voting in accordance with laws and regulations. General elections are not only a means of conferring legitimacy on those in power but also a vital tool for the people to exercise their constitutional rights as an expression of popular sovereignty.²

In practice, vulnerable groups cannot fully and equally exercise their right to vote in general elections. The National Human Rights Commission, through Standard, Norm, and Regulation No. 12 on Human Rights and Vulnerable Groups in General Elections, states that vulnerable groups including voters with serious illnesses still face various technical and structural barriers that can result in the violation of their right to vote. These issues include, among others, voters not being registered, limited access to services, discrimination, intimidation, and political mobilization.

¹ Fitri Ayuningtyas and Adelia Wahyuningtyas, "Implementasi Prinsip Demokrasi Dalam Pelaksanaan Pemilihan Umum," *Amnesti: Jurnal Hukum* 5, no. 1 (2023): 138–50, <https://doi.org/doi.org/10.37729/amnesti.v5i1.2733>.

² Girlee Geniusy, Dinastya Haris, and M Syafi, "Pemenuhan Hak Pilih Bagi Lanjut Usia (Lansia) Yang Mengalami Hambatan Fisik Dan Sensorik (Studi Pemilih Lanjut Usia (Lansia) Pada Pemilu 2024 Di Kabupaten Blitar)," *Prosiding Seminar Hukum Aktual Fakultas Hukum Universitas Islam Indonesia* 3, no. 2 (2025): 1–18.

In the process of exercising the right to vote in general elections, the state has also established special provisions as set forth in General Election Commission Regulation (PKPU) No. 25 of 2023 on Voting and Vote Counting and General Election Commission Decision No. 66 of 2024, which govern the exercise of the right to vote and provide technical guidelines for conducting general elections, including for persons with disabilities and/or special circumstances, such as illness or physical limitations that prevent them from exercising their right to vote at home; however, these regulations do not contain provisions that clearly define the criteria for voters who are ill, whether classified as having a severe or mild illness. A serious illness can be interpreted as a situation that no longer meets the definition set forth in Article 1(1) of Law No. 36 of 2009 on Health, wherein health is defined as a state of physical, mental, spiritual, and social well-being that enables a person to live a productive life.³

From the perspective of *siyasah dusturiyah*, which emphasizes the importance of legal foundations and public policy in Islamic governance, the state is obliged to ensure justice, order, and the protection of citizens' rights. Accordingly, regulations governing voters who are ill or physically unable to vote are not merely procedural but reflect the state's responsibility to guarantee fair political participation. This principle is consistent with *maqasid al-shariah*, which seeks to promote public welfare and prevent harm (*jalb al-masalih wa dar'u al-mafasid*).⁴ Al-Shatibi explains that public welfare is achieved through the protection of five fundamental interests: religion (*al-dīn*), life (*al-nafs*), intellect (*al-'aql*), lineage (*al-nasl*), and property (*al-māl*). Collectively known as *al-kulliyāt al-khamsah*, these five essentials constitute

³ Fitri Kartika Sari, "Legal Protection of Mentally Handicapped Voters' Rights in Indonesia's General Elections," *Politica: Jurnal Hukum Tata Negara Dan Politik Islam* 10, no. 2 (2023): 189–99, <https://doi.org/doi.org/10.32505/politica.v10i2.7516>.

⁴ Ade Resha Savitri and Achmad Umardani, "Pemenuhan Hak Politik Penyandang Disabilitas Berdasarkan Undang-Undang No. 8 Tahun 2016 Tentang Penyandang Disabilitas Perspektif Siyasah Dusturiyah," *Manabia: Journal of Constitutional Law* 3, no. 1 (2023): 127–44, <https://doi.org/doi.org/10.28918/manabia.v3i01.968>.

the primary foundation of Islamic legal principles.⁵ This principle also encompasses citizens' right to participate in public affairs, as emphasized in *siyasaḥ dusturiyah* (Islamic constitutional governance), which upholds the values of *maṣlaḥah* (public welfare), justice, equality, and *shūrā* (consultation) in state governance.⁶

During the 2024 elections held on February 14 in Tomini Utara Village, Parigi Moutong Regency, there was still an imbalance between the right to vote and the human rights of voters with serious illnesses such as the right to health and personal safety, the right to freedom of expression, and the dignity of voters. Voters who were medically unable to move and had difficulty breathing were still forced to exercise their right to vote with the assistance of others, such as family members. In such circumstances, the health, safety, freedom, and dignity of severely ill voters are disregarded simply to fulfill the administrative obligations of the general election without regard for the voters' actual conditions. In fact, assistance from family members for unconscious voters creates an opportunity for violations of the principles of direct, free, and secret voting, as the votes cast no longer reflect the individual's true will.

Despite the fact that voters with serious illnesses retain their constitutional right to vote, attention to the health conditions of these voters must also be a priority so that the general election process does not exacerbate their medical conditions or undermine their human dignity. Therefore, this must be taken into consideration, and there must be no coercion in the exercise of the right to vote by voters with serious illnesses, as this could lead to actions that undermine fairness and diminish the overall quality of democratic elections.

⁵ Tanza Dona Pertiwi and Sri Herianingrum, "Menggali Konsep Maqashid Syariah: Perspektif Pemikiran Tokoh Islam," *JIEI: Jurnal Ilmiah Ekonomi Islam* 10, no. 01 (2024): 807–20, <https://doi.org/doi.org/10.29040/jiei.v10i1.12386>.

⁶ Aan Pratama, "Konsep Pemikiran Hukum Islam Dalam Bidang Siyasaḥ," *JPIM: Jurnal Penelitian Ilmiah Multidisipliner* 01, no. 03 (2025): 1075–87, <https://ojs.ruangpublikasi.com/index.php/jpim/article/view/695>.

This is consistent with the Islamic legal maxim *al-ḍarar yuzāl* ("harm must be eliminated"), which requires the state to prevent practices that may endanger voters, particularly those who are severely ill yet compelled to vote. Requiring medically incapacitated or unconscious individuals to exercise their voting rights not only undermines democratic principles but also contradicts the values of *siyasah dusturiyah*.

This study employed an empirical juridical method using statutory and case approaches. Primary data were collected through interviews with a family member of a severely ill voter, a representative of the Polling Station Working Committee (KPPS), a Polling Station Supervisor (PTPS), an election witness, and the Chair of the General Election Commission (KPU) of Parigi Moutong Regency. Secondary data were obtained from legislation, *fiqh siyasah* literature, legal journals, and relevant scholarly publications. Data were collected through observation, interviews, and documentation and analyzed using a qualitative descriptive approach.

B. FINDING AND DISCUSSION

1. Potential Human Rights Violations in the Exercise of Voting Rights by Critically Ill Voters in the 2024 General Election: A Case Study of North Tomini Village, Parigi Moutong Regency.

Normatively, Article 43(1) of Law No. 39 of 1999 on Human Rights guarantees every citizen the right to vote and to be elected in general elections on the basis of equality. This guarantee requires that the exercise of voting rights not be merely formal but also ensure free will, conscious decision-making, and humane treatment. Under Law No. 7 of 2017 on General Elections, election authorities are required to provide equal and fair services to all voters, including vulnerable groups. However, unlike the specific provisions

for voters with disabilities, neither the Election Law nor its implementing regulations explicitly establish procedures for severely ill voters..⁷

Based on the research findings, there were severely ill voters who were medically unconscious, had difficulty moving, experienced breathing problems, and were unable to change body position from left to right, yet were still required to exercise their voting rights. This condition was confirmed by family members of severely ill voters, namely Hajra and Jupri, who are also classified as severely ill voters. The following presents the field data on severely ill voters identified in this study.

Table 1. Severely Ill Voters

No	Name	Gender	Age	Type o Illness	Status
1	Hajra	Female	21	Postpartum complications and tuberculosis (TBC)	Deceased
2	Jupri	Male	65	Diabetes complications, cholesterol, stroke, and blindness	Alive

Source: Processed from field research in North Tomini Village, 2025.

Based on the data, the conditions of Hajra and Jupri demonstrate that severely ill voters are in a highly vulnerable position. On the one hand, the state is obliged to guarantee voting rights as a constitutional entitlement. On the other hand, the state is also responsible for protecting citizens from electoral practices that may undermine human dignity and freedom of will. The absence of a clear normative framework for severely ill voters creates a dilemma between the fulfillment of voting rights and the protection of human rights itself.

A high voter turnout does not necessarily reflect a just and democratic electoral process if severely ill voters are still at risk of losing their freedom and consciousness in exercising their voting rights. Therefore, these findings

⁷ Riasri Haryani, "PEMENUHAN HAK POLITIK PENYANDANG DISABILITAS MENURUT UNDANG-UNDANG NOMOR 7 TAHUN 2017," *UNES Journal of Swara Justisia* 7, no. 2 (2023): 541–48, <https://doi.org/doi.org/10.31933/ujsj.v7i2>.

highlight the need to strengthen legal norms and technical policies that specifically accommodate the protection of severely ill voters' rights. Such protection is not intended to restrict voting rights, but rather to ensure that their exercise is consistent with human rights principles, justice, and human dignity as guaranteed by the Constitution and relevant laws.

Nurmiah, the biological mother of Hajra, stated that Hajra had been suffering from a severe illness. On election day, her condition deteriorated significantly. At around 12:00 WITA, before the KPPS officers arrived, Hajra had already expressed that she was experiencing severe pain due to her illness. When the KPPS officers arrived at approximately 13:00 WITA, the voter was unconscious and unable to respond either verbally or non-verbally. However, during the voting process, the family informed the officers that Hajra had previously determined her voting preference while still conscious. Nurmiah then assisted in casting the ballot based on the voter's prior statement, in which she chose the presidential candidate number 2. In practice, only one ballot paper, namely for the President and Vice President, was marked, while the other four ballot papers (for DPR RI, DPD RI, Provincial DPRD, and Regency DPRD) were left unmarked.

An interview was also conducted with a member of the Polling Station Working Committee (KPPS) named Nelam, who served at Polling Station 1 in North Tomini. She stated that during the simultaneous elections held on 14 February 2024, there were two voters identified as ill. The KPPS member explained that in carrying out their duties, they fully complied with the regulations issued by the General Election Commission (KPU), which do not distinguish between mild and severe illness, but only categorize voters as "ill voters." Nelam further stated that the voters had previously expressed their voting preferences, so during the voting process, the ballot marking was carried out with family assistance based on the voters' prior statements. As a KPPS member, she also emphasized that voters' health should be prioritized,

and if a voter's condition does not allow them to vote, their voting rights should not necessarily be exercised.

An interview was also conducted with the Polling Station Supervisor (PTPS), Abdul Muis. He explained that KPPS officers visited the homes of voters in poor health and carried out the voting procedures under PTPS supervision at every stage. He specifically stated that he had witnessed voting processes involving severely ill voters such as Hajra and Jupri. According to him, during the voting process, these voters were still conscious, although physically unable to cast their ballots independently. They were still able to communicate, albeit with assistance from parents or family members, and could indicate their preferred choice by pointing to the candidate's image.

In such situations, the ballot marking was carried out by a family companion based on the voter's gestures and expressed wishes, rather than the companion's own decision. Abdul Muis also emphasized that greater attention should be given to the health aspect of voters, including the importance of early reporting of severely ill individuals so that appropriate medical response and facilitation could be provided before election day.

The voting process in general elections shows that ill voters are still given the opportunity to vote as long as they are considered capable of communicating. Family assistance is regarded as part of efforts to support voters in exercising their rights. However, in practice, such assistance often occurs in circumstances that do not fully guarantee the freedom and secrecy of the vote.

Riswandi, a witness, also stated that on election day the voter was no longer in a conscious condition. Based on his observation, during the voting process the individual was unable to demonstrate the level of awareness required for making a voting decision. When asked about the voter's physical condition, Riswandi explained that the voter was unable to move his body, neither to the right nor to the left. He further noted that the voter experienced

breathing difficulties, which in his assessment indicated that the voter's health condition had reached a severe or critical stage of illness.

Riswandi further stated that during the exercise of voting rights, many people were present around the voter, including family members and visiting residents. According to him, this situation meant that the voting process was no longer private or confidential, as the voter's choice became known to those present. He argued that this condition potentially undermined the principles of secrecy and freedom in voting, since the voter's decision was exposed to others. Riswandi also emphasized that the voting process could no longer be considered fair. In his view, when a person is in a severely ill condition, unable to move, and lacking adequate consciousness, they are substantively no longer capable of exercising their voting rights. He distinguished this condition from voters with mild illness, who, in his opinion, are still able to exercise their voting rights properly.

The fulfillment of voting rights for severely ill voters is a complex issue, as it lies at the intersection of citizens' constitutional rights, technical electoral regulations, and inherent human rights principles. In her interview, the Chair of the Parigi Moutong General Election Commission (KPU), Ariyana, emphasized that election administrators must act objectively, addressing the issue not only from a procedural standpoint but also from a human rights perspective. Ariyana stated that neither the General Election Commission Regulation (PKPU) nor its technical guidelines provide detailed provisions regarding the classification of severely ill voters, as such conditions are considered fluctuating and are not included in voter data collection. Severely ill voters are not categorized as persons with disabilities and are therefore not recorded in voter lists, since health conditions may change even within a very short period. On the other hand, the KPU does not intervene in medical matters as they are considered private affairs. Consequently, the KPU's role is limited to serving as an administrative facilitator in the electoral

Based on an interview with the Chief Leader of the General Election Commission, it was confirmed that election organizers are fundamentally required to remain objective in addressing the exercise of the right to vote, particularly for voters who are seriously ill. This affirmation aligns with the fundamental principles of human rights, which place free will as a key element. The right to vote has substantive meaning only if it is exercised based on the voter's own awareness, inner consent, and sincerity. Therefore, assessing the voter's mental state is crucial before, during, and after the voting process to ensure that the voter genuinely consents to the arrangement or is not, in fact, acting under duress. If a voter is no longer able to consciously express their will due to a serious illness, then efforts to fulfill their right to vote have the potential to become an act that actually violates human rights.

In practice, the Chief Leader of the General Election Commission (KPU) also explained that Polling Station Working Committee (KPPS) officers may visit voters who are ill as part of efforts to ensure the fulfillment of voting rights, as long as the procedure is carried out in accordance with applicable administrative regulations. If a voter is physically unable to cast a ballot independently, assistance by family members is permitted provided that there is consent and it does not contradict statutory provisions. However, problems arise when the presence of KPPS is no longer interpreted as facilitation of rights, but shifts toward an effort to meet administrative targets for voter turnout. In such circumstances, there is a potential paradigm shift from viewing voting as a right that may be freely exercised to treating it as an obligation, which in principle contradicts the principle of electoral freedom.

In general, the findings obtained through interviews with the families of seriously ill voters, Voting Organizing Groups (KPPS), Polling Station Supervisory Committees (PTPS), election witnesses, and the Chair of the General Election Commission indicate that the implementation of voting for voters with serious illnesses in the 2024 Simultaneous General Elections in Tomini Utara, Parigi Moutong Regency, was, in principle, carried out in

accordance with applicable normative provisions. The state, through the General Election Commission and its organizing apparatus, has administratively provided mechanisms to ensure the fulfillment of voting rights for voters with special circumstances, including through home voting services with family assistance and supervision by election organizers and supervisors.

Nevertheless, the empirical findings of this study indicated a disconnect between the procedural fulfillment of the right to vote and the substantive protection of human rights. The condition of severely ill voters who medically experience a diminished level of consciousness, significant physical limitations, and complete dependence on their families raises fundamental issues regarding the fulfillment of the principles of direct, free, and secret elections. Assistance provided based on the voter's past expressed will without the voter's actual ability to convey their will at the time of voting has the potential to blur the line between legally justified assistance and the usurpation of the voter's will.

From a human rights and constitutional perspective, the right to vote is an individual right inherent to every citizen and can only be legitimately exercised when there is awareness, freedom, and the absence of coercion in the voting process. The right to vote cannot be understood merely as an administrative obligation that must be fulfilled, but rather as a manifestation of political will stemming from the voter's inner freedom. Therefore, the fulfillment of the right to vote cannot be measured solely by the implementation of formal procedures, but must be assessed by the extent to which human dignity, freedom of will, and the actual will of voters are truly respected in electoral practice.

Thus, this study demonstrates that the fulfillment of the right to vote for voters with serious illnesses lies at the intersection of positive law, electoral administrative practices, and human rights values. To ensure that the right to vote truly functions as an instrument for the protection of human

rights, there is a need for policy improvements that are more sensitive to humanitarian conditions, clearer and more detailed technical regulations, and an approach that prioritizes the dignity and free will of voters. Without such efforts, the fulfillment of the right to vote risks being reduced to a procedural formality that could, in turn, inadvertently perpetuate human rights violations.

The implementation of the right to vote for voters who are seriously ill and can no longer exercise their right to vote consciously, freely, and independently has the potential to result in minor human rights violations. This is because the right to vote is fundamentally an expression of every person's freedom to exercise that right consciously and independently. When a person is no longer able to express their will clearly due to a serious illness but is still directed to vote, the protection of human rights risks becoming nothing more than a mere fulfillment of formal procedures. Therefore, the exercise of the right to vote by voters with serious illnesses in general elections must be carried out with greater care and responsiveness so that it continues to respect the dignity and freedom of will of voters as a fundamental principle of democracy.

2. The *Siyasah Dusturiyah* Perspective on Potential Human Rights Violations in the Exercise of Voting Rights by Severely Ill Voters in the 2024 General Election: A Case Study in North Tomini, Parigi Moutong Regency.

Siyasah dusturiyah is a branch of *fiqh siyasah* that specifically examines governance systems, legislation, and the exercise of political authority within a state based on Islamic principles.⁸ Governance within the framework of *siyasah dusturiyah* must be grounded in the principles of *al-'adl* (justice) and *al-musāwah* (equality).⁹ These principles affirm that every citizen holds equal

⁸ Nawir; Nur Sandi; Zulhamdi; Sultan, "Politik Islam: Konsep, Prinsip, Dan Relevansinya Dalam Negara Modern," *Journal of Authentic Research* 4, no. 2 (2025): 2618–22, <https://doi.org/doi.org/10.36312/1ccdc673>.

⁹ Muhammad Defit Akmal and Eti Karini, "IMPLEMENTASI KONSEP KEADILAN FIQH SIYASAH DUSTURIYAH DALAM PRAKTIK SISTEM PERADILAN DI INDONESIA," *QANUN:*

standing before the law without discrimination and is entitled to fair legal protection. The implementation of these principles represents a manifestation of *maqasid al-shariah*, particularly in preserving life (*hifz al-nafs*) and safeguarding human dignity (*hifz al-'ird*), in order to achieve public welfare (*al-maṣlaḥah al-‘āmmah*)

Within the framework of exercising voting rights in general elections, *siyasah dusturiyah* views political participation as a trust (*amanah*) entrusted to human beings on earth. However, such participation must be exercised with awareness, freedom, and responsibility. Therefore, the state's responsibility is not limited to ensuring the administrative fulfillment of voting rights, but also extends to guaranteeing that their exercise remains consistent with the principles of humanity, justice, and the protection of vulnerable groups, including voters with serious health conditions.¹⁰

The research findings in North Tomini Village, Parigi Moutong Regency, indicate that voting rights for severely ill voters were still exercised even when the individuals were unconscious or had severely limited awareness. Voters who experienced breathing difficulties, were unable to move, and could not communicate were still directed by KPPS officers to cast their votes with family assistance. From the perspective of *siyasah dusturiyah*, such practices may raise serious concerns as they risk undermining free will, personal safety, and human dignity of the individuals concerned.s

1. The Principle of Justice (al-‘Adl) in the Exercise of Voting Rights

In *siyasah dusturiyah*, justice (*al-‘adl*) is regarded as a fundamental principle in governance. Justice is not merely understood as the formal provision of rights to every citizen, but also requires that the exercise of such rights be conducted in a proportional manner, without harming any party, and with due consideration of the actual conditions of individuals.

Journal of Islamic Laws and Studies 4, no. 2 (2025): 964–70, <https://doi.org/doi.org/10.58738/qanun.v4i2.1111>.

¹⁰ Nomor Tahun et al., “Kewarganegaraan Dan Hak Politik : Analisis Undang-Undang Tentang Hak Pilih Warga Negara Di Indonesia,” *Referendum : Jurnal Hukum Perdata Dan Pidana* 1, no. 4 (2024): 116–25, <https://doi.org/doi.org/10.62383/referendum.v1i4.289>.

In the context of political rights, justice requires that the exercise of voting rights genuinely reflects the free will of voters and is carried out under conditions that enable individuals to make conscious and informed choices. This principle is affirmed in the Qur'an, Surah An-Nahl [16]: 90: *"Indeed, Allah commands justice and excellence."*

This verse emphasized that justice is a fundamental value that must be realized in all aspects of social life and governance, including the administration of general elections. Based on the research findings regarding the exercise of voting rights by severely ill voters some of whom were unconscious or experiencing severe breathing difficulties—voters in such conditions were still guided to cast their ballots through assistance from family members or election officials.

Reviewed from the perspective of constitutional politics, this practice raises issues of justice. This is because the right to vote is fundamentally a form of political expression that must be exercised directly by the holder of that right. When a voter is no longer conscious or lacks the capacity to freely exercise their choice, the exercise of the right to vote under such circumstances risks undermining the very meaning of justice itself. The right to vote, which should be an expression of the voter's personal will, risks becoming a decision influenced or even determined by another party.

Thus, the exercise of voting rights for severely ill voters in general elections, particularly those who lack full consciousness yet are still directed to vote, may not fully align with the principle of justice (*al-'adl*) in *siyasah dusturiyah*, as it no longer reflects the voter's free and conscious political will. Therefore, the exercise of voting rights for severely ill voters should be conducted through appropriate protective mechanisms. This is necessary not only to ensure the fulfillment of citizens' political rights as guaranteed by the 1945 Constitution of the Republic of Indonesia, but also to align electoral practice with the values of justice, equality, and public welfare grounded in

constitutional principles and the ethical framework of Islamic political thought in *siyasah dusturiyah*.

2. The Principle of Equality (*al-Musawah*) in Political Rights

In addition to the principle of justice, *siyasah dusturiyah* also emphasized the importance of the principle of equality (*al-musawah*). This principle signifies that every individual holds equal standing before the law and government without discrimination, including in the fulfillment of political rights. In the context of political life, equality is realized through the provision of equal rights for every citizen to participate in the general election process. This value of equality is affirmed in the Qur'an, Surah Al-Hujurat [49]: 13: "*O mankind, indeed We have created you from a male and a female and made you peoples and tribes so that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you.*"

This verse indicated that in Islam, all human beings hold equal status regardless of social background, physical condition, or other circumstances. In the political context, this principle serves as the foundation that every citizen has equal rights to participate in the general election process.

In the practice of election administration, the principle of equality encourages the state and election organizers to provide services to all voters, including those with certain health conditions such as illness. However, the implementation of this principle cannot be separated from the actual conditions experienced by voters themselves. Voters who are in a severely ill condition and are no longer able to express their will freely and clearly are, in essence, no longer in a position that allows them to make free and rational political choices.

The findings of this study indicated that the implementation of voting for severely ill voters who are still directed to cast their ballots occurs even when the voters are no longer able to express their will consciously and freely. If voting is carried out under such conditions, there is a possibility that the choice expressed does not genuinely originate from the voter's own will, but is

instead influenced or directed by other parties. Such a situation may raise issues in relation to the principle of equality, because although voters are formally given the opportunity to exercise their voting rights, substantively they are not in an equal position compared to other voters who are able to express their will consciously and independently.

Therefore, from the perspective of *siyasah dusturiyah*, the implementation of the principle of equality should not be understood merely as the formal provision of equal rights, but must also take into account the actual capacity of voters to express their political will freely and with dignity. When a severely ill voter no longer has consciousness or the ability to make independent decisions, compelling them to exercise their voting rights may in fact create substantive inequality. In such conditions, severely ill voters are no longer in an equal position with ordinary voters, as they are unable to exercise their voting rights in the same manner namely, consciously, freely, and confidentially.

Thus, the principle of *al-musawah* in *siyasah dusturiyah* required special protection for vulnerable groups such as severely ill voters. This protection should not take the form of coercing them to exercise their voting rights, but rather ensuring that their fundamental rights including the right to health, the right to human dignity, and the right not to be exploited—are safeguarded throughout the electoral process. In this regard, the state, particularly election administrators, bears the responsibility to formulate policies and technical mechanisms that balance the fulfillment of voting rights with the protection of human rights. In doing so, no citizen, including severely ill voters, is disadvantaged in the implementation of the democratic process.

C. CONCLUSION

Based on the results of the research and discussion, it can be concluded that the exercise of voting rights by severely ill voters in the 2024 General Election in North Tomini Village, Parigi Moutong Regency, carries a potential

risk of minor human rights violations. This potential arises when voters who are medically unconscious, experiencing impaired vital functions, or unable to express their will freely and independently are still facilitated to cast their votes without proportionate consideration of their health conditions. Such a situation not only risks neglecting voters' rights to health, safety, and human dignity, but may also conflict with the principles of direct, free, and confidential elections as mandated by Law No. 7 of 2017 on General Elections. In addition, the absence of clear technical provisions distinguishing between mildly and severely ill voters creates interpretive variability at the implementation level, thereby preventing optimal protection for vulnerable voter groups.

From the perspective of *siyasah dusturiyah*, the exercise of voting rights by severely ill voters who lack full consciousness, experience mobility limitations, and are unable to express their will freely may potentially conflict with the principles of *al-'adl* (justice) and *al-musawah* (equality). The principle of *al-'adl* requires that every exercise of political rights genuinely reflects the authentic will of the voter without interference or influence from other parties. Meanwhile, the principle of *al-musawah* emphasizes that equality is not only understood formally as equal rights, but also substantively through equal capacity to exercise those rights. Therefore, when severely ill voters no longer possess the capacity to make conscious and independent choices, the exercise of voting rights under such conditions may not be fully aligned with the values of justice and equality that form the core foundations of *siyasah dusturiyah*.

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