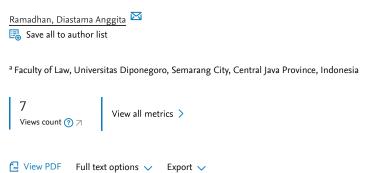


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# The limitation of voting rights for people with permanent mental disabilities in Indonesia: a debate between reasonable and unreasonable rights



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Voting rights are fundamental rights under Article 28D Paragraphs (1) and (3) as well as Article 28I of the. However, the Indonesian has excluded people with permanent mental disabilities from the right to vote. This article aims to carefully examine whether the Indonesian Constitutional Court's decision violates the voting rights of people with permanent mental disabilities. The study used hermeneutic and qualitative content analysis to interpret the 1945 Indonesian Constitution and the judges' considerations on the Constitutional Court Decision Number 135/PUU-XIII/2015. Furthermore, this study examined six countries for comparison concerning unconditional voting rights. This research reveals that the Indonesian Constitutional Court interpreted the law beyond the powers of its authority and violates the voting rights of people with permanent mental disabilities without cogent reasons. The Indonesian government should take measures to facilitate the fulfillment of the voting rights of people with permanent mental disabilities. © 2021 The Author(s). This open access article is distributed under a Creative Commons Attribution (CC-BY) 4.0 license.

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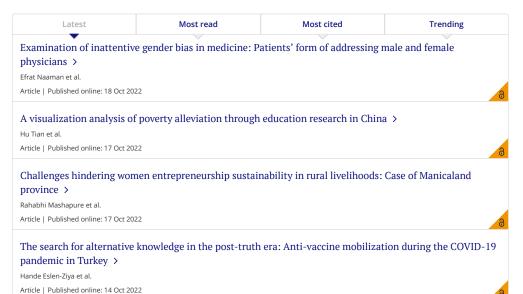
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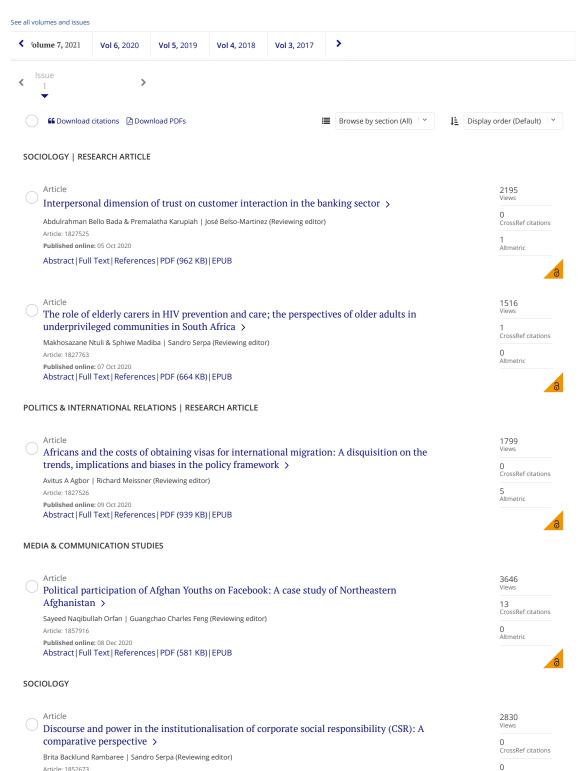
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# POLITICS & INTERNATIONAL RELATIONS | RESEARCH ARTICLE

The limitation of voting rights for people with permanent mental disabilities in Indonesia: a debate between reasonable and unreasonable rights

# Diastama Anggita Ramadhan<sup>1</sup>\*

Abstract: Voting rights are fundamental rights under Article 28D Paragraphs (1) and (3) as well as Article 28I of the. However, the Indonesian has excluded people with permanent mental disabilities from the right to vote. This article aims to carefully examine whether the Indonesian Constitutional Court's decision violates the voting rights of people with permanent mental disabilities. The study used hermeneutic and qualitative content analysis to interpret the 1945 Indonesian Constitution and the judges' considerations on the Constitutional Court Decision Number 135/PUU-XIII /2015. Furthermore, this study examined six countries for comparison concerning unconditional voting rights. This research reveals that the Indonesian Constitutional Court interpreted the law beyond the powers of its authority and violates the voting rights of people with permanent mental disabilities without cogent reasons. The Indonesian government should take measures to facilitate the fulfillment of the voting rights of people with permanent mental disabilities.

Subjects: Human Rights; Constitutional Law; Elections; Genetics of Mental Disorders

Keywords: Limitation; voting rights; people with permanent mental disabilities; constitutional court; Indonesia

# 1. Introduction

Since the first direct election in 2004, Indonesian democracy has grown into prominence and has become a successful example of transformation from authoritarianism to democracy (Diprose et al., 2019). The concept of inclusive voting gives all people the same opportunity to participate in elections (James & Garnett, 2020), including people with permanent mental disabilities. This concept is

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# **PUBLIC INTEREST STATEMENT**

Every citizen, regardless of their condition, has the right to vote in elections. People with mental disabilities will not always be in the state of mental disabilities who cannot think and act in the name of the law. The Indonesian Constitutional Court tried to provide a constitutional explanation. However, in its verdict, the Indonesian Constitutional Court opened the opportunity to reduce the right to vote for people with mental disabilities in the general election process in Indonesia. This reduction in the right to vote for people with mental disabilities are one of the issues of Indonesian human rights.











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# LAW, CRIMINOLOGY & CRIMINAL JUSTICE | RESEARCH ARTICLE

# The *modus operandi* of perpetrators for credit card fraud in the Vaal Region, South Africa

Witness Maluleke<sup>1</sup>\*, Moses Morero Motseki<sup>2</sup>, Rakgetse John Mokwena<sup>3</sup> and Siyanda Dlamini<sup>4</sup>

Abstract: Card payments in South Africa continue to be a predominant part of the National Payments System in an evolving payments ecosystem. Due to the growing volume of electronic payments, the monetary strain of credit card fraud is turning into a substantial challenge for financial institutions and service providers, thus forcing them to continuously improve their fraud detection systems. This article attempts to explain the Modus Operandi (MO) of perpetrators of credit card fraud in the Vaal Region in South Africa. The article begins with an examination of the extent of the challenge and response by the relevant stakeholders, especially the Criminal Justice System (CJS). This study was carried out utilising a qualitative research approach with a convenience, purposive and snowball sampling techniques. Thirtynine (39) interviews were conducted to solicit the views of the participants and police investigators from Vanderbijlpark, Sebokeng, Sharpeville and Vereeniging police stations, members of the community, and victims of credit card fraud were interviewed. These interviews were analysed according to the phenomenological approach, aided with the inductive Thematic Content Analysis (TCA) to identify the participants' responses and themes. The findings indicated that the extent of credit card fraud in Vaal region is reaching alarming rates. Based on the findings, the

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Dr Motseki Morero is attached to the Department of Legal Sciences, Vaal University of Technology (VUT), South Africa, while Mr Rakgetse John, Mokwena works at University of South Africa (UNISA), under the Department of Police Practice, Prof Dr Witness Maluleke is based at University of Limpopo and University of South Africa, affiliated to the Department of Criminology and Criminal Justice and Department of Police Practice, College of Law respectively and Dr Siyanda Dlamini is a Senior Lecturer in the Centre for General Education at Durban University of Technology (DUT), South Africa. All authors formatted, proofread, as well as provided technical presentations of this manuscript in compliance with the author quidelines.

#### **PUBLIC INTEREST STATEMENT**

Clear understanding of the MO of perpetrators for credit card fraud in the Vaal region by the local South African Police Service (SAPS) officials, victims of this scourge and public members of Sebokeng, Vanderbijlpark, and Sharpeville remain of utmost importance. It is pivotal to notes that MO of credit card fraud differ timely, thus, ways of combating this practice also differs, and circumstances that are applicable to one incident are not applicable to the next similar problem. With this study, the local SAPS will improve their respective investigative capabilities and acquire more knowledge, improved skills, methods and techniques in terms of taking complainant's statement in card fraud cases. It is hoped that this study will contribute to a higher competency level during the taking of statements relating to card fraud and statement taking in general. The gathered information can also be used by victims and public members to learn the associated realities of this crime and to provide more detailed information about this crime to the responsible local SAPS members to ease their investigation procedures.





