

## LEGAL REVIEW OF THE SUPERVISION OF THE 2024 GENERAL ELECTION CAMPAIGN THROUGH SOCIAL MEDIA

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### Abstract

One of the campaign methods in the 2024 election is campaigning through social media. In order for the implementation of the Election Campaign to run well and in accordance with the applicable laws and regulations, it is necessary to conduct supervision. Bawaslu is tasked with supervising the implementation of election campaigns, including monitoring campaigns on social media. The purpose of this research is first to describe the 2024 General Election Campaign through social media; second, to describe the Supervision of the 2024 General Election Campaign through social media. The method of normative legal research (legalresearch) using legal materials as the main source. The results of the study show that first, The presence of social media as a tool for disseminating information aimed at the public or voters in elections is considered an effective and important step, especially in shaping opinions and setting political agendas. In Central Kalimantan Province, there are four Social Media platforms registered and used by 2024 Election participants, including Instagram, Facebook, Tiktok, and Youtube. In Central Kalimantan Province there are 86 social media platforms for political parties and legislative candidate members. Second, Bawaslu of Central Kalimantan Province has formed a team to monitor the campaign via social media accounts during the 2024 Election stages. The large number of accounts on social media is an obstacle for Bawaslu to supervise campaigns on social media. Campaigns on social media are certainly in separable from the possibility of campaign violations on social media, including hoaxes or hate speech. The Election Law has not specifically regulated the limitations/prohibitions related to campaign violations on social media.

**Keywords:** Campaign, Election Social Media, Surveillance

## INTRODUCTION

The year 2024 is a political year, in which Indonesia holds General Elections (hereinafter Elections) for the umpteenth time. The elections held in 2024 are the second elections to be held simultaneously, after previously being held in 2019. With simultaneous elections, the 2019 and 2024 elections will be held simultaneously for the election of DPR candidates, DPD candidates, President and Vice President candidates, Provincial DPRD candidates and Regency / City DPRD candidates.

Article 1 point 1 of Law Number 1 Year 2017 on General Elections (hereinafter Election Law) states that General Elections, hereinafter referred to as Elections, are a means of popular sovereignty to elect members of the House of Representatives, members of the Regional Representatives Council, the President and Vice President, and to elect members of the Regional Representatives Council which are conducted directly, publicly, freely, secretly, honestly and fairly in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

Democracy is closely related to elections. Democracy is seen as the best political system and way of organizing life for every society that calls itself modern, so that governments everywhere, including totalitarian regimes, try to convince the world community that they embrace a democratic political system, or at least are in the process of moving towards it (Haris, 1995). Popular *sovereignty* is a key concept in understanding elections. Popular sovereignty places the people as the ultimate power holders. This is in line with the fundamental view in democracy, that government *is from the people, by the people and for the people*. The people are the foundation and basis of legitimacy (Jurdi, 2018).

The holding of elections is a stage of elections carried out by election organizers. One of the stages in organizing elections is the campaign stage. There are several methods in implementing the Campaign as regulated in Article 26 paragraph (1) of General Election Commission Regulation Number 15 of 2023 concerning General Election Campaigns (hereinafter PKPU 15/2023), including through Social Media. Election Participants can create a maximum of 20 (twenty) Social Media Accounts for each type of application and register them through the Campaign Information and Campaign Fund System (SIKADEKA). Social Media account registration is carried out no later than 3 (three) days before the Election Campaign period. Election Campaign Implementers must close official Social Media accounts on the last day of the Election Campaign period. There are several social media platforms registered and used by 2024 election participants, including Instagram, Facebook, Tiktok and YouTube.

The presence of social media as a tool for disseminating information aimed at the public or voters in elections is considered an effective and important step, especially in shaping opinions and setting political agendas. (Perdana & Wildianti, 2019) The existence of social media has changed many tactics and winning strategies in the elections. Social media is widely used by election participants to campaign.

In order for the implementation of the Election Campaign to run well and in accordance with the applicable laws and regulations, it is necessary to conduct supervision. Supervision of the organization of the Election Campaign is a will based on noble *concerns (ultimate concern)*, in order to achieve quality elections. The contribution of election supervision, in addition to encouraging the implementation of a technically qualified election campaign, is also a significant part of the sustainability of democratization in Indonesia. (Bawaslu, 2020) Thus, supervision of the Election Campaign is a conscious, deliberate and planned process of the essence of the philosophy of democratization. An election that is carried out without a free and independent supervision mechanism and climate will make the election a process of power formation that is full of fraud. In such a situation, the election has lost its legitimacy and the resulting government actually lacks legitimacy. (Bawaslu, 2020)

The Election Law regulates the institutions that carry out elections, namely the General Election Commission (hereinafter KPU), the General Election Supervisory Board (hereinafter Bawaslu), and the Honorary Board of Election Organizers (hereinafter DKPP). The position of the three institutions is strengthened and the duties and functions are clarified and adjusted to the development of legal needs in the organization of elections. Institutional strengthenings intended to be able to create a smooth, systematic and democratic Election.

Bawaslu is an election organizing agency that oversees the implementation of elections in all regions of the Unitary State of the Republic of Indonesia. The existence of Bawaslu from time to time has undergone significant changes, which is a sign that the existence of Bawaslu is very important for the establishment of electoral justice. Bawaslu has the task of overseeing the Campaign as stipulated in Article 93 letter d number 5 of the Election Law which states that Bawaslu is tasked with overseeing the implementation of the Election Organization stages consisting of the implementation

of campaigns and campaign funds.

There are so many accounts on social media, this is certainly an obstacle for Bawaslu to supervise campaigns on social media. It is certainly necessary to carry out a strategy in monitoring campaigns on Social media. Campaigns on social media are certainly inseparable from the possibility of campaign violations on social media. Campaign violations on social media are election violations. Bawaslu is given the task of handling alleged election violations as stipulated in Article 93 letter b of the Election Law that Bawaslu is tasked with preventing and taking action against election violations and disputes over the election process. Thus, Bawaslu has the authority to supervise and handle violations during the campaign period, including campaigns on social media.

## RESEARCH METHODS

This research is classified as a type of normative legal research, namely research that examines laws and regulations in a coherent legal system. This research uses legal materials as its main source. This research aims to examine the positive law, in the sense of collecting, describing, systematizing, analyzing, interpreting and assessing positive legal norms relating to the Supervision of the 2024 General Election Campaign Through Social Media, based on and within the framework of the applicable legal order or system where the law is one of the sub-systems of the entire system of Election Supervision activities in 2024.

Research on the Supervision of the 2024 General Election Campaign Through Social Media is carried out with approaches, namely: *philosophical approach*, *statutory approach*, *conceptual approach*, and *historical approach*. Primary legal materials used in this research are Constitution of the Republic of Indonesia 1945 Amendment, Law No. 7 of 2017 on General Election, Law Number 7 of 2023 on the Stipulation of Government Regulation in Lieu of Law Number 1 of 2022 on Amendments to Law Number 7 of 2017 on General Elections into Law, Bawaslu Regulation Number 5 of 2022 concerning Supervision of the Implementation of General Elections, Bawaslu Regulation Number 11 of 2023 concerning Campaign Supervision, General Election Commission Regulation Number 15 of 2023 concerning General Election Campaigns, General Election Commission Regulation Number 20 of 2023 concerning Amendments to General Election Commission Regulation Number 15 of 2023 concerning General Election Campaigns. Secondary legal materials include scientific writings law from legal literature books, draft laws and results research that is related to the substance of the research material.

## RESULTS AND DISCUSSION

### The 2024 General Election Campaign Through Social Media

Article 167 paragraph (4) of the Election Law states that: The stages of organizing elections include:

- a. Program and budget planning and preparation of regulations for the implementation of the Election;
- b. Voter data updating and compilation of the Voters list;
- c. Registration and verification of election participants;
- d. Determination of election participants;
- e. Determination of the number of seats and determination of electoral districts;
- f. Nomination of the President and Vice President as well as members of the DPR, DPD, Provincial DPRD, and Regency / City DPRD
- g. Election Campaign Period;
- h. Quiet Period;
- i. Voting and counting of votes;
- j. Determination of election results; and
- k. The oath/pledge of the President and Vice President as well as members of the DPR, DPD, Provincial DPD, and Regency / City DPRD.

From Article 167 paragraph (4) of the Election Law, it can be seen that one of the stages of organizing elections is the Election Campaign period. The rules regarding the election campaign are contained in Chapter VII of the Election Law, namely Article 267 to Article 339. Article 267 of the Election Law states that:

- (1) Election campaigns are part of public political education and are carried out responsibly.
- (2) The Election Campaign is held simultaneously between the Presidential and Vice Presidential Election Campaign and the Election Campaign for members of the DPR, DPD, and DPRD.

The definition of a Campaign based on Article 1 number 35 of the Election Law is the activity of Election Participants or other parties appointed by Election Participants to convince Voters by offering the vision, mission, program and/or self-image of Election Participants. To carry out the

campaign, several Campaign methods are regulated as stipulated in Article 26 paragraph (1) of General Election Commission Regulation Number 15 of 2023 concerning General Election Campaigns (hereinafter PKPU15/2023), namely: a. limited meetings; b. face-to-face meetings; c. distribution of Election Campaign materials to the public; d. installation of Election Campaign props in public places; e. Social Media; f. advertisements in printed mass media, electronic mass media, and Online Media; g. public meetings; h. Candidate Pair debates on Candidate Pair Election Campaign materials; and i. other activities that do not violate the prohibition of Election Campaigns and the provisions of laws and regulations.

Article 26 paragraph (1) PKPU 15/2023 states that one of the campaign methods is campaigning through Social media. Article 1 point 25 PKPU 15/2023 states that Social Media is a two-way internet-based platform that allows users to interact, participate, discuss, collaborate, share, and create community-based content.

Election Campaign through Social Media is regulated in Article 37 and Article 38 of PKPU 15/2023. Article 37 PKPU 15/2023, states that:

- (1) Election Participants may conduct an Election Campaign through Social Media as referred to in Article 26 paragraph (1) letter e.
- (2) Social Media accounts as referred to in paragraph (1) may be created at a maximum of 20 (twenty) accounts for each type of application.
- (3) The design and material on Social Media as referred to in paragraph (1) shall at least contain the vision, mission, program, and/or self-image of the Election Participants.
- (4) The design and material on Social Media as referred to in paragraph (3) can be in the form of:
  - a. writing;
  - b. sound;
  - c. drawings; and/or
  - d. a combination of writing, sound, and/or images.
- (5) The combination of writing, sound, and/or images as referred to in paragraph (4) letter d is narrative, graphic, character, interactive or non-interactive, and can be received through a message receiving device.

Furthermore, Article 38 PKPU 15/2023 states that:

- (1) The Election Campaign Organizer must register an official Social Media account as referred to in Article 37 paragraph (2) to:
  - a. KPU, for Presidential and Vice Presidential Candidate Pairs and Election Participants for DPR members;
  - b. Provincial KPU, for Election Participants of DPD members and provincial DPRD members; and
  - c. Regency/City KPU, for Election Participants of regency/city DPRD members.
- (2) Registration of Social Media accounts as referred to in paragraph (1) shall be carried out no later than 3 (three) days before the Election Campaign period.
- (3) Registration of Social Media accounts as referred to in paragraph (1) using a form:
  - a. Presidential and Vice Presidential Election Campaign Models;
  - b. Model-Campaigning for The Election of Members of The House of Representatives;
  - c. Model-Campaigning for The Election of The Province Regional Parliament;
  - d. Model-Campaigning for The Election of Members of District/Mota Parliamentary Councils; and
  - e. Model-Campaign for The Election of DPD Members.
- (4) The Social Media Account Registration Form as referred to in paragraph (3) shall also be submitted as a copy to:
  - a. Bawaslu, Provincial Bawaslu, and Regency / City Bawaslu, in accordance with their levels;
  - b. The Indonesian National Police in accordance with its level; and
  - c. the ministry that organizes government affairs in the field of communication and informatics.
- (5) The Election Campaign Organizer must close the official Social Media account as referred to in paragraph (1) on the last day of the Election Campaign period.
- (6) Election Campaign Implementers who violate the provisions as referred to in paragraph (6) shall be subject to sanctions in accordance with the provisions of laws and regulations.
- (7) In the event that sanctions have been imposed in accordance with the provisions of laws and regulations, the Social Media account has still not been closed by the Election Campaign Implementer, the Social Media account in question cannot be demanded to be

returned to the Election Participant concerned.

From the provisions in article 37 and article 38 PKPU 15/2023, the number of social media accounts can be created at a maximum of 20 (twenty) accounts for each type of application. Design and materials design and materials on social media at least contain the vision, mission, program, and/or self-image of election participants. Designs and materials on social media can be in the form of writing; sound; images; and/or a combination of writing, sound, and/or images. The combination of writing, sound, and/or images is narrative, graphic, character, interactive or non-interactive, and can be received through a message receiving device.

The Election Campaign Organizer must register an official social media account with the KPU, for Presidential and Vice Presidential Candidates and Election Participants of DPR members; Provincial KPU, for Election Participants of DPD members and provincial DPRD members; and Regency / City KPU, for Election Participants of district / city DPRD members. Registration of Social Media accounts is carried out no later than 3 (three) days before the Election Campaign period through the Campaign and Campaign Fund Information System (hereinafter SIKADEKA). Social Media account registration uses a form that is appropriate for its designation. The Social Media account registration form is submitted to the KPU, Provincial KPU, and Regency / City KPU, according to its level. The Social Media account registration form is also submitted as a copy to Bawaslu, Provincial Bawaslu, and Regency/ City Bawaslu, in accordance with their levels; Indonesian National Police in accordance with their levels; Ministry that organizes government affairs in the field of communication and informatics.

In Appendix I of the General Election Commission Regulation Number 15 of 2023 concerning the General Election Campaign (hereinafter PKPU 15/2023), it is regulated regarding the program and schedule of the General Election Campaign, stating that the campaign schedule in the form of limited meetings, face-to-face meetings, dissemination of campaign language, installation of campaign props in public places, Debate of Presidential and Vice Presidential Candidate Pairs and Social Media is held from 28 November 2023 to 10 February 2024.

Based on research data conducted by Dimitrova et. al, revealed that social media has a strong influence on *political participation* but has a weak influence on *political knowledge*. (Perdana & Wildianti, 2019) Based on the survey results of the Indonesian Internet Service Providers Association (APJII), internet users in Indonesia reached 215.63 million people in the 2022-2023 period. (Aprilia, 2023) This number increased by 2.67% compared to the previous period of 210.03 million users. The number of internet users is equivalent to 78.19% of Indonesia's total population of 275.77 million. This number increased by 2.67% compared to the previous period of 210.03 million users. The number of internet users is equivalent to 78.19% of Indonesia's total population of 275.77 million. (Andrean & Nurhanisah, 2023)

According to Data Reportal, in 2023, there will be a total of 4.76 billion active social media users spread across the world. This value is comparable to 60% of the world's population. Social media users have experienced rapid growth over the past 10 years. In the middle of 2023, the number of social media users increased by 137 million new users. Even so, the increase in 2023 is the lowest increase compared to the last decade. From January 2022 to January 2023, the number of social media users only increased by 3% from 4.623 billion in 2022. The highest increase occurred from 2016 to 2017. The number of social media users in 2016 was 2.307 billion and in 2017 it was 2.789 billion, which means the number increased by 20.9%. (Agnéz & Yonatan, 2023)

In Indonesia alone, there are 167 million active social media users, which is equivalent to 60.4% of the total population. As many as 78.5% of internet users definitely use at least 1 (one) social media account. When compared to the previous period survey, Indonesia's internet penetration rate this year has increased by 1.17 percent compared to 2021-2022 which amounted to 77.02%. (Agnéz & Yonatan, 2023) For information, the trend of internet penetration in Indonesia is increasing from year to year. In 2018, internet penetration in the country reached 64.8% and the level rose to 73.7% in 2019-2020. (Agnéz & Yonatan, 2023)

In the 2024 elections, there are 18 (eighteen) political parties participating in the elections, 3 (three) pairs of Presidential and Vice Presidential Candidates as election participants, 9,917 candidates for the DPR RI and 668 candidates for DPD RI. While in Central Kalimantan Province there are 9 (nine) candidates for DPD (Damar Digital Jaya, 2023), 631 candidates for Provincial DPRD. (News, 2023) Legislative candidates and presidential and vice presidential candidates in participating in political contestation, of course, try to get votes from voters. One way to get votes from voters is by conducting campaigns, including through social media.

In the 2024 elections, the influence of social media is increasingly felt with the rapid spread of political information through various platforms such as Facebook, Twitter, Instagram, and TikTok. Social media has a significant influence in the 2024 elections. There are 3 (three) advantages of

social media as a political campaign media. First, social media provides easy access for prospective voters, candidates can directly interact with prospective voters with an easier scale and intensity than through traditional campaign patterns such as *door to door*, brochures, and even coverage by print or television media. The utilization of social media in the presidential election campaign offers direct engagement between candidates and potential voters through interaction and discussion spaces: by liking, commenting, and sharing messages. Second, in addition to being easily accessible, social media is also cheap to reach for its users. Although not all regions can access social media, the wide reach can fully reduce the cost of campaigning which is fairly expensive. In fact, social media platforms such as Facebook, YouTube, Twitter, Instagram, and so on do not have expensive costs in the process of disseminating their materials. Third, social media has a wide *outreach* because people are very easy to share the content or information they get. Some features, campaign messages can be tailored to the demographic conditions of potential voters so that they are more measurable and targeted. (Mahfuz, 2019) Social media can influence public perceptions of presidential candidates and political parties, and become an important tool in political campaigns. In addition, social media can also be the main source of information for the public in finding information related to the 2024 elections.

Based on the results of research at the Central Kalimantan Provincial Bawaslu and the Central Kalimantan Provincial KPU, in Central Kalimantan Province in the 2024 Election there are 4 (four) Social Media platforms registered and used by 2024 Election participants, including: Instagram, Facebook, Tiktok, and Youtube. Of the 18 Political Parties registered as Election Participants in Central Kalimantan Province, all Political Parties register their social media on the Provincial DPRD Member Election Campaign Model form (attachment V for Political Parties and attachment VII for DPD Candidates) and there are 24 (twenty-four) accounts owned by legislative candidates (Central Kalimantan Provincial Bawaslu and Central Kalimantan Provincial KPU, 2024). In total, there are 86 (eighty six) social media (social media of political parties and legislative candidates) registered with the Central Kalimantan Provincial KPU. The most registered social media is Facebook with 38 (thirty-eight) accounts. In accordance with PKPU 15 of 2023, the Central Kalimantan Provincial KPU only accepts registration of social media accounts on the Campaign Information System and Campaign Funds (SIKADEKA). Supervision of the campaign of the 2024 Election participants is carried out by Bawaslu, in accordance with its duties and functions. At the 2024 Election Campaign stage, the Central Kalimantan Provincial KPU submits data on social media accounts registered in SIKADEKA to Bawaslu of Central Kalimantan Province.

In the implementation of campaigns through social media, there are several limitations as regulated in PKPU 15/2023, including in Articles 42-45. Article 42 paragraph (1) states that print mass media, Online Media, and Social Media must provide equal opportunities to Election Participants in posting and airing Election Campaign advertisements. Furthermore, Article 42 paragraph (2) states that in addition to print mass media, Online Media, and Social Media as referred to in paragraph (1), Broadcasting Institutions must provide equal opportunities to Election Participants in loading and airing Election Campaign advertisements. Paragraph (3) states that print mass media, Online Media, Social Media, and Broadcasting Institutions as referred to in paragraph (1) and paragraph (2) must comply with the advertising code of ethics and the provisions of laws and regulations.

Article 43 (1) PKPU 15 of 2023 explains that Social Media is prohibited from selling segment blocking, and/or time blocking for Election Campaigns. Furthermore, in paragraph (4) during the campaign period, Social Media is prohibited from receiving sponsorship programs in any format or segment that can be categorized as Election Campaign advertisements and in paragraph (5) Social Media is prohibited from selling advertising spots that are not utilized by one Election Participant to other Election Participants. Article 45 PKPU 15 of 2023 states that print mass media, Online Media, Social Media, and Broadcasting Institutions must be fair, balanced, and impartial in broadcasting Election Campaign advertisements. Matters prohibited in the implementation of campaigns through social media that are personal to the campaign behavior through Social Media are regulated in Bawaslu regulation Number 3/2023.

## **B. Supervision of the 2024 General Election Campaign through Social Media**

The Election Law regulates the institutions that carry out elections, namely the General Election Commission (hereinafter KPU), the General Election Supervisory Board (hereinafter Bawaslu), and the Honorary Board of Election Organizers (hereinafter DKPP). The position of the three institutions is strengthened and the duties and functions are clarified and adjusted to the development of legal needs in the organization of elections. Institutional strengthening is intended to be able to create a smooth, systematic and democratic Election.

One of the institutions designed to supervise general and regional elections is the Election Supervisory Agency. Article 89 of the Election Law states that the Supervision of Election Implementation is carried out by Bawaslu. The composition of Bawaslu consists of Bawaslu, Provincial Bawaslu, Regency / City Bawaslu, Sub-district Panwaslu, Village / Village Panwaslu and LN Panwaslu, and TPS Supervisors, all of which are hierarchical, including Provincial Bawaslu and Regency / City Bawaslu in special or special regional government units regulated by law. Bawaslu, Provincial Bawaslu, and Regency / City Bawaslu are permanent, while Sub-district Panwaslu, Village / Village Panwaslu, LN Panwaslu, and TPS Supervisors are *ad hoc*.

Bawaslu has the task of overseeing the Campaign as stipulated in Article 93 letter d number 5 of the Election Law which states that Bawaslu is tasked with overseeing the implementation of the Election Implementation stages consisting of campaign implementation and campaign funds. To carry out the task of supervising the 2024 Election campaign, Bawaslu Regulation Number 11 of 2023 concerning Campaign Supervision (hereinafter written as Perbawaslu 11/2023) was issued.

Article 3 Perbawaslu 11/2023 states that Election Supervisors in accordance with their respective authorities supervise the Election Campaign which includes:

- a. Registration of the Election Campaign Organizer and the Election Campaign team;
- b. Election Campaign materials; and
- c. Implementation of the Election Campaign method.

In addition to supervising Bawaslu, Provincial Bawaslu, and Regency / City Bawaslu in accordance with their respective authorities supervise the information system used by the KPU, Provincial KPU, and Regency / City KPU in accordance with their levels in the implementation of the Election Campaign stages. In addition to supervising the information system used by the KPU, it also coordinates with the KPU in accordance with its level.

Regarding the supervision of the 2024 Election campaign in general, it is explained in Article 4 paragraph (1) of Perbawaslu 11/2023 which states that supervision by Bawaslu is carried out through:

- a. preparation of standard procedures for monitoring the stages of the Election Campaign;
- b. the preparation of identification and mapping of potential vulner abilities and election violations in the Election Campaign stage;
- c. determining the focus of supervision of the Election Campaign stages;
- d. coordination and consolidation with ministries/institutions;
- e. direct supervision;
- f. analysis of data obtained in the implementation of supervision of the Election Campaign stage;
- g. tracing and/or investigation in the event of alleged election violations in the Election Campaign stage; and/or
- h. participatory supervision in accordance with the provisions in the Bawaslu Regulation regarding participatory supervision.

Bawaslu supervises the election campaign method as regulated in Article 18 through Article 20 of Perbawaslu 11/2023. Article 18 paragraph (1) Perbawaslu 11/2023 states that Election Supervisors in accordance with their respective authorities supervise the implementation of the Election Campaign method. Furthermore, Article 18 paragraph (2) of Perbawaslu 11/2023 states that Supervision is carried out on the implementation of the Election Campaign method by:

- a. Presidential and Vice Presidential Election Campaign Executors and Presidential and Vice Presidential Election Campaign teams, including Presidential and Vice Presidential Election Campaign officers who have been registered with the KPU, Provincial KPU, and Regency / City KPU in accordance with their levels;
- b. Executorsof the Election Campaign for members of the DPR, provincial DPRD, and regency / city DPRD, including election campaign officers fo rmembers of the DPR, provincial DPRD, and regency / city DPRD who have been registered with the KPU, Provincial KPU, and Regency / City KPU according to their level;
- c. Executor of the DPD Election Campaign, including DPD Election Campaign officers who have been registered to the Provincial KPU and Regency / City KPU in accordance with its level; and
- d. Election Campaign participants.

In addition to overseeing the election campaign method, Bawaslu also oversees the material in the election campaign. Article 19 paragraph (1) letter a of Perbawaslu 11/2023 jo Article 280 of the Election Law states that Election Supervisors in accordance with their respective authorities conduct supervision by ensuring that the Election Campaign Implementers, Presidential and Vice Presidential Election Campaign teams, and / or Election Campaign participants in carrying out the Election Campaign method are not:

1. questioning the state foundation Pancasila, the Preamble of the 1945 Constitution of the Republic of Indonesia, and the form of the Unitary State of the Republic of Indonesia;
2. carrying out activities that endanger the integrity of the Unitary State of the Republic of Indonesia;
3. insulting a person, religion, ethnicity, race, group, candidate, and/or other Election Participants;
4. inciting and pitting individuals or communities against each other;
5. disturbing public order;
6. threatening to commit violence or advocating the use of violence against a person, group of community members, and/or other Election Participants;
7. damaging and/or removing Election Campaign props of Election Participants;
8. using government facilities, places of worship, and places of education, except for government facilities and places of education as long as they get permission from the person in charge of the place in question and are present without Election Campaign attributes;
9. carrying or using an image mark and/or attribute other than the image mark and/or attribute of the relevant election participant; and
10. promising or giving money or other materials to participants of the Election Campaign.

Article 19 paragraph (1) letter a of Perbawaslu 11/2023 jo Article 280 of the Election Law further regulates that in the implementation of the Campaign, the Election campaign implementer and/or the Presidential and Vice Presidential Election campaign

Team in carrying out the Election campaign method does not include:

1. The chief justice, deputy chief justice, chief justice, supreme court justices, and judges of all judicial bodies under the Supreme Court, and constitutional judges of the Constitutional Court;
2. Chairman, vice-chairman, and members of the Supreme Audit Agency;
3. governor, senior deputy governor, and deputy governor of Bank Indonesia;
4. directors, commissioners, supervisory boards and employees of state-owned enterprises/regionally-owned enterprises;
5. state officials who are not members of political parties who serve as leaders in non-structural institutions;
6. state civil apparatus;
7. soldiers of the Indonesian National Army and the Indonesian National Police;
8. village head;
9. village officials;
10. members of the village consultative body; and
11. Indonesian citizens who do not have the right to vote;

Related to Campaign Supervision with methods through Social Media is regulated in Article 26 Perbawaslu No. 11/2023 which states that Election Supervisors in accordance with their respective authorities supervise the Election Campaign through Social Media by ensuring:

1. Election Campaigns through Social Media by Election Participants are carried out using Social Media accounts that have been registered with the KPU, Provincial KPU, and Regency / City KPU in accordance with their levels no later than 3 (three) days before in accordance with the provisions of laws and regulations;
2. the Social Media account of each Election Participant registered as referred to in letter a is made at a maximum of 20 (twenty) accounts for each type of application;
3. the design and materials of the Election Campaign through Social Media used at least contain the vision, mission, program, and/or self-image of Election Participants in accordance with the provisions of laws and regulations;
4. The Election Campaign Implementer submits a copy of the Election Participant's social media account registration form to Bawaslu, Provincial Bawaslu, and Regency/City Bawaslu in accordance with their respective authorities; the Indonesian National Police in accordance with its level; and the ministry that organizes government affairs in the field of communication and informatics.
5. Social Media accounts are closed by the Campaign organizer on the last day of the Election campaign period.

Article 26 paragraph (1) Perbawaslu 11/2023 regulates that in addition to supervising the implementation of the Election Campaign through Social Media, Election Supervisors supervise the use of Social Media accounts that are not registered with the KPU, Provincial KPU, or Regency / City KPU in accordance with the level whose design and material contain elements of the Election Campaign; and the spread of false news and / or hate speech in the use of Social Media accounts.

Related to the supervision of all stages of the 2024 General Election carried out by election supervisors is to prepare all levels of election supervisory apparatus at every level, starting from the



formation of an *Ad hoc* Agency by the Central Kalimantan Provincial Bawaslu through the Regency / City Bawaslu throughout the Central Kalimantan Province to form Sub-district Panwaslu which will later form Village / Village Panwaslu, and TPS Supervisors.

Bawaslu in carrying out these duties and authorities has made various efforts, including by making prevention efforts. Prevention efforts are carried out through supervision. Election supervision is an activity of observing (seeing, recording the results of observations), reviewing (systematizing the results of observations into the 5W + 1H format), examining (compliance with the rules) and assessing (right or wrong and consequences) the process of organizing elections.

Bawaslu of Central Kalimantan Province in monitoring campaigns through social media accounts has formed a team that works specifically to monitor social media during the 2024 simultaneous election stages. The obstacles experienced at this time are the difficulty of monitoring campaigns on social media during the quiet period because many accounts are not registered with the KPU and Bawaslu also does not have authority in the cyber aspect.

There are so many accounts on social media, this is certainly an obstacle for Bawaslu to supervise campaigns on social media, especially for social media accounts that are not registered with the KPU. This certainly requires a strategy in monitoring campaigns on social media. Campaigns on social media are certainly inseparable from the possibility of violations of campaigns on social media, including fake news (hoaxes) or *hate speech*. Hoaxes continue to grow along with technological sophistication. Social media content is a place where hoaxes grow and develop. Social media that erases geo-politics is slowly but surely able to shift human interaction. This shift is used to execute political issues with lies. Hoaxes not only want to deceive, but want to generate sympathy and empathy from voters.

*Hate Speech* is a word, behavior, writing, or performance that is prohibited because it can trigger acts of violence and prejudice it her from the perpetrator of the statement or the victim of the action. Hate speech is an attack based on sensitive characteristics where one party attacks another based on: race, ethnicity, nationality, religion, serious illness, nationality, sexual orientation, sex and gender or gender identity. Based on the Chief of Police Circular Letter No. SE/06/X/2015: SE/06/X/2015, *hate speech* can take the form of insults, defamation, unpleasant actions, provoking, inciting and spreading false news (*hoaxes*).

The Election Law does not specifically regulate the restrictions/prohibitions related to campaign violations on social media, but in practice Article 280 of the Election Law is often used as a basis for processing alleged campaign violations. Article 280 of the Election Law is also used to ensnare perpetrators of hoaxes, hate speech or related to election campaigns on social media, but the article can only ensnare election implementers, participants and campaign teams. Meanwhile, parties who are not implementers, participants and campaign teams are usually subject to the Law on Electronic Information and Transactions (ITE), especially related to hoaxes and hate speech on social media.

Article 76 PKPU 15/2923 states that in the event of proven acts of violating the prohibited provisions as referred to in the law governing elections, sanctions shall be imposed in accordance with the law governing elections and other laws and regulations. Based on the results of research at the Central Kalimantan Provincial Election Supervisory Body, until after the counting stage of the 2024 General Election, the Central Kalimantan Provincial Election Supervisory Body did not find any alleged campaign violations through social media.

Bawaslu's role in the implementation of monitoring the campaign stages on Social Media is to control and to ensure that no violations occur in the 2024 Election. If an alleged Election Campaign Violation is found, Bawaslu will determine the alleged violation as a Finding of Alleged Election Violation and follow up on the Election Violation Handling procedure.

Based on the results of research at the Central Kalimantan Provincial Office of Communication Informatics, Coding and Statistics (hereinafter written as Diskominfosantik of Central Kalimantan Province), related to the implementation of the 2024 Election Campaign through social media, Diskominfosantik of Central Kalimantan Province does not continuously monitor the implementation of campaigns on social media. The duties and functions are carried out by Bawaslu, but if there are complaints of hoax content, they will be followed up by the Public Information Division at Diskominfosantik of Central Kalimantan Province. The obstacles faced by the Diskominfosantik of Central Kalimantan Province in the implementation of campaigns on social media are providing an understanding for the community on how to make a healthy public space for democracy and not disrupting information for voters, but also strengthening campaign finance reporting regulations in the digital space, and encouraging transparency of political advertisements by social media platforms. Diskominfosantik of Central Kalimantan Province is on the side of maintaining security and order in the elections by monitoring all possible disturbing content that has

the potential to divide the community. On the other hand, DiskominfoSantik also provides appeals and encourages people to improve their digital literacy, and cooperates with the KPU regarding the rules for campaigning on social media.

## CONCLUSIONS

That to carry out the campaign, several Campaign methods are regulated as stipulated in Article 26 paragraph (1) of General Election Commission Regulation Number 15 of 2023 concerning General Election Campaigns, including through Social Media. Article 37 PKPU 15/2023 states that Election Participants may conduct Election Campaigns through Social Media. Social Media accounts can be created at a maximum of 20 (twenty) accounts for each type of application. The design and materials on Social Media at least contain the vision, mission, program, and/or self-image of Election Participants.

Design and material on Social Media can be in the form of writing, sound, images, and/or a combination of writing, sound, and/or images. The combination of writing, sound, and/or images is narrative, graphic, character, interactive or non-interactive, and can be received through a message receiving device. Article 38 PKPU 15/2023 states that the Election Campaign Organizer must register an official Social Media account with the KPU, for Presidential and Vice Presidential Candidates and Election Participants for DPR members; Provincial KPU, for Election Participants for DPD members and provincial DPRD members; and Regency / City KPU, for Election Participants of district / city DPRD members. Registration of Social Media accounts is carried out no later than 3 (three) days before the Election Campaign period.

The Social Media account Registration Form is also submitted as a copy to Bawaslu, Provincial Bawaslu, and Regency / City Bawaslu, in accordance with its level; the Indonesian National Police in accordance with its level; and the ministry that organizes government affairs in the field of communication and informatics. The Election Campaign Organizer must close the official Social Media account on the last day of the Election Campaign period. In accordance with PKPU 15 of 2023, the Central Kalimantan Provincial KPU only accepts registration of social media accounts in the Campaign Information System and Campaign Funds (hereinafter SIKADEKA). Supervision of the campaign of the 2024 Election participants is carried out by Bawaslu, in accordance with its duties and functions. At the 2024 Election Campaign stage, the Central Kalimantan Provincial KPU submitted data on social media accounts registered in SIKADEKA to the Central Kalimantan Provincial Bawaslu. In Central Kalimantan Province in the 2024 Election, there are 4 (four) Social Media platforms registered and used by 2024 Election participants, including Instagram, Facebook, Tiktok, and Youtube. Of the 18 Political Parties registered as Election Participants in Central Kalimantan Province, all Political Parties register their social media, there are 24 (twenty-four) accounts owned by legislative candidates. In total, there are 86 (eighty-six) social media (social media of political parties and legislative candidates) registered with the Central Kalimantan Provincial KPU. The most registered social media is Facebook with 38 (thirty-eight) accounts.

The presence of social media as a tool for disseminating information aimed at the public or voters in elections is considered an effective and important step, especially in shaping opinions and setting political agendas. The existence of social media has changed many tactics and winning strategies in elections. Social media is widely used by election participants to campaign. Bawaslu has the task of overseeing the Campaign as stipulated in Article 93 letter d number 5 of the Election Law which states that Bawaslu is tasked with overseeing the implementation of the stages of the Election Implementation which consists of the implementation of the campaign and campaign funds. To carry out the task of supervising the 2024 Election campaign, Bawaslu Regulation Number 11 of 2023 concerning Campaign Supervision was issued. Related to Campaign Supervision with methods through Social Media is regulated in Article 26 of Bawaslu Regulation No. 11/2023. Bawaslu Central Kalimantan Province in conducting campaign supervision through social media accounts has formed a team that works specifically to oversee social media during the 2024 simultaneous election stages.

The obstacles experienced at this time are the difficulty of supervising campaigns on social media during the calm period because many accounts are not registered with the KPU and Bawaslu also does not have authority in the cyber aspect. Another obstacle faced by the Central Kalimantan Province Bawaslu is in processing alleged campaign violations on social media, especially hoaxes or hate speech. The Election Law does not specifically regulate the limitations/prohibitions related to campaign violations on social media, but in practice Article 280 of the Election Law is often used as the basis for processing alleged campaign violations. Article 280 is also used to ensnare perpetrators of hoaxes or hate speech related to election campaigns on social media, but the article can only ensnare implementers, participants, and election campaign teams. Meanwhile, parties who

are not implementers, participants and campaign teams are usually subject to the Law on Electronic Information and Transactions (ITE), especially related to hoaxes and hate speech articles on social media.

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