

# COMBATING BLACK CAMPAIGN IN SOCIAL MEDIA FOR FREE, FAIR AND PEACEFUL GENERAL ELECTION

By: Fritz Edward Siregar

## ABSTRACT

*Social media shifts how people campaign during election. It makes campaign become easier, cheaper, and faster. Although campaign in social media did not always end up in a good way, since election participants and their sympathizers could possibly use social media to boost up black campaign. Black campaign could take shape as hate speech or disinformation. Badan Pengawas Pemilihan Umum (Bawaslu) as a product of electoral reform in Indonesia was build to forestall violations during the election. Therefore, it is Bawaslu's role to supervise the whole process of the election, including campaign in social media. Social media is not a private sphere, it already becomes a public sphere. As a public sphere, social media needs the presence of Bawaslu to maintain order especially to minimize hate speech and disinformation during the election time. Bawaslu's authority to conduct supervision in social media is regulated in Bawaslu Regulation Number 12 Year 2018 on Campaign Supervision. This regulation authorizes Bawaslu to supervise election participants' social media account that registered to General Election Commission and unregistered social media account during election time. In order to supervise social media, first of all Bawaslu made an election vulnerability index. Election vulnerability index would show Bawaslu which part of Indonesia needs more attention in terms of social media campaign. Bawaslu would also set a prevention strategy to reduce black campaign in social media, such as spread a positive campaign in social media. Finally, Bawaslu would take bold action if Bawaslu finds black campaign in social media during election time by taking down the post or the account.*

*Keywords: Bawaslu, social media, black campaign, supervision, hate speech*

## A. Introduction

There is a major change in Indonesia election these days. We could possibly see many fresh faces or new political parties during election, but it is not the only thing that changed in Indonesia election. There is a more fundamental change that happened in Indonesia election. Ten years before now, it is very possible election participants never think if there is a possibility for them to do campaign that could influence not just people in their own regional but all across

Indonesia. Ten years before now, election participants still use the conventional ways to campaign, for example they would use banners or stickers to campaign. Recent days, the conventional ways to campaign by using stickers, banners or t-shirts were actually never really abandoned by election participants' campaign. Although recent days they also get a new alternative to campaign. This new way to campaign is cheaper and faster compared to the conventional ways. This new alternative

called social media. Social media makes it easy for election participants to campaign, because with one post they could influence much wider audience or voters in a matter of seconds. This influence could not be found if election participants use the conventional ways.

Social media changes election in Indonesia and several other countries. For example, during US Election 2016, President Trump relied heavily on his Twitter account (which possessed almost 10 million followers) for campaign, even he admitted Twitter really helped him elected as US President.<sup>1</sup> Beside Trump, the next President of Brazil, Jair Bolsonaro also used social media heavily during his campaign. Although he did not rely on Twitter or Facebook, he relied heavily on WhatsApp.<sup>2</sup> He would send his campaign message in WhatsApp group. It is very effective, since people that join his WhatsApp group would spread the campaign message to their peer. In Indonesia, social media also shift the way people campaign, especially in urban area, for example during Presidential Election in 2014, both candidates used social media to reach millennials voters,

such as Instagram, Facebook, and Twitter. It also happened during Jakarta Gubernatorial Election in 2017.

Sometimes in politics, campaigning against other candidates is something ordinary. But the content of campaign sometimes rises a problem in the middle of society. For example, during Jakarta Gubernatorial Election in 2017, there is a phenomenon in social media since there were a massive used of hate speech and disinformation during campaign in social media. This kind of campaign contribute to social unrest in society. Beside social unrest, this situation could also influence voters' choice, although the voters' choice mainly decided by their subjective consideration. The used of disinformation or hate speech could be called as black campaign. The nature of social media made it easier and faster to spread black campaign in their platform.

What could Indonesia do to combat black campaign in election? In other country, maybe it would be hard because they do not have a body which specialized in supervise the election, but in Indonesia we have an election supervision body called Bawaslu. It would

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<sup>1</sup> Nolan D. Maccaskill, "Trump credits social media for his election", <https://www.politico.com/story/2017/10/20/trump-social-media-election-244009>, accessed on December 6<sup>th</sup> 2018.

<sup>2</sup> Aljazeera, "Social media: The new battleground in Brazil's election", <https://www.aljazeera.com/programmes/listeningpost/2018/10/social-media-battleground-brazil-election-181006112106125.html>, accessed on December 6<sup>th</sup> 2018.

be Bawaslu's role to supervise campaign. Bawaslu would make sure all of the campaigns conduct according to law whether in social media or the other platform. Besides, in order to maintain free, fair, and peaceful election, Bawaslu as a body which supervise the whole process of the election should take bold action to reduce black campaign in social media.

There are two main questions that would be answered in this paper:

1. How does the regulation regulate black campaign?
2. How is Bawaslu's role as an election supervision body to combat black campaign in social media?

## **B. Electoral Reform in Indonesia**

During the 1955 Election, there was no official state body that supervise the whole process of election, therefore it was not easy to spot any infringement conducted by the election participants. In the surface, the frictions that happened during the elections was merely because of ideological differences between political parties, thus in reality it was more than that. Consequently, the government realized there should be an official body to supervise the electoral procedure

whether it has accommodated all voters right and preserved the democratic electoral.

In 1982, the government was triggered by public distrust on election and finally decided to establish a supervisory body. The emergence of public distrust caused by government's intervention to election process on 1971 and 1977. Therefore, parliament introduced (a) The Supervisory Committee on Central Election (*Panitia Pengawas Pelaksanaan Pemilu Pusat*, (**Panwaslakpus**), (b) Election Supervisory Committee Level I (*Panitia Pengawas Pelaksanaan Pemilu Tingkat I*, (Panwaslak I)), (c) Election Supervisory Committee Level II (*Panitia Pengawas Pemilu Tingkat II*, (Panwaslak II), and (d) Election Supervisory Committee on District Level (*Panitia Pengawas Pemilu Tingkat Kecamatan*, (Panwaslakcam) to supervise the whole process of election and answer and reassure the public distrust. It was regulated on Article 8 (4b) Law No. 2 of 1980<sup>3</sup> that Panwaslakpus consisted of Attorney General who acted as chairman, government official, army, and political parties that existed on 1982 such as *Partai Golongan Karya*, *Partai Demokrasi Indonesia*, and *Partai*

<sup>3</sup> Law No.2 of 1980 on Amendment of Law No.15 of 1969 on Election of Parlement Member in Lieu of Law No.4 of 1975.

*Persatuan Pembangunan*.<sup>4</sup> According to Law No. 2 of 1980, Panwaslak is subordinate of Indonesia General Election Committee (also known as **KPU**), consequently it made Panwaslak could not wage their job independently.<sup>5</sup>

Reformation era brought an idea to have an independent election supervisory body. During the 1999 election for the first time, election supervisory body became an independent organization which consist of academicians, public figures, and Non-Government Organisations.<sup>6</sup>

This new membership of election supervisory body was a step forward compare to Panwaslak. During the 2004 election, election supervisory body was called Election Supervisory Committee (*Panitia Pengawas Pemilu*, (**PPP**)). Its members were chosen by KPU.<sup>7</sup> PPP was a temporary body which established before the whole sequence of election process was started and it would be dismissed after the candidates were chosen and inaugurated.<sup>8</sup>

After 2004 election, many opinions arose that suggest Indonesia should have stronger election supervisory body, in

order to forestall violations during election. Those opinions moved parliament members to examine the possibility of establishing an election supervisory body permanently. At last, in 2005 parliament members prepared draft of general election which (one of them) consisted of the establishment of permanent election supervisory body.<sup>9</sup> During discussion of the new election law, establishment of permanent election supervisory body kept going stronger since there was growing concerns that KPU would become a super body if there was not any independent and permanent body to supervise them.<sup>10</sup> Effective election supervision would not materialize, if election supervisory body still acted under supervision of KPU. Eventually, after two years of long discussions, parliament members finally approved the new election law. Law No. 22 of 2007 made election supervisory body as an independent body that called Indonesia Elections Supervisory Board (*Badan Pengawas Pemilihan Umum* (**Bawaslu**)) which is equal to KPU. Bawaslu was authorized to supervise

<sup>4</sup> GunawanSuswantoro, *MengawalPenegakDemokarsi; Di Balik Tata Kelola Bawaslu dan DKPP*, (Jakarta: Publisher Erlangga, 2016), p. 19.

<sup>5</sup> Indonesia, Law No. 2 of 1980., Article 8 (4b).

<sup>6</sup> Suswantoro, *MengawalPenegakDemokrasi*, p. 20.

<sup>7</sup> *Ibid.*

<sup>8</sup> General Election Commission, *PemiluuntukPemula*[s.l.: s.n., s.a.], p. 30.

<sup>9</sup> Suswantoro, *Mengawal Penegak Demokrasi*, p. 20.

<sup>10</sup> *Ibid.*, p. 21.

election supervisory body in provinces, districts, sub-districts, and aboard which were still a temporary body. Bawaslu's authority on Law No. 22 Year 2007 was s to supervise the whole process of election, started from confirmation of voters until approval of voting results. However, in practice Bawaslu was hitting a brick wall due to some limitation of its authority, moreover because their temporary status.

In 2009, parliament members did not satisfy with the quality of election. Therefore, parliament made a new law on election, Law Number 15 Year 2011. This new law granted election supervisory body in provinces became a permanent body.<sup>11</sup> Under the new law, Bawaslu's authority was progressing, since Bawaslu got the authority to supervise KPU started from election preparation such as approval of election schedule.

In order to reinforce of supervision on the upcoming general election in 2019 which will be consisted of election both president and parliamentary member, parliament member drafted a new election law. By virtue of Law No.7 of 2017, Bawaslu received wider authority to resolve election dispute and permanent

status from provisional monitoring to the regency.<sup>12</sup> This is breakthrough movement from the government, that Bawaslu is no longer able to monitor but also capable to enforce the law against violations of administrative or election-related crimes, more over to put down a sanction. This new task grants Bawaslu even more powerful than before and becomes a quasi-judicial body.<sup>13</sup> This new task is a preparation for Bawaslu to become an election court, sometime in the future. Based on the report and field inspection, Bawaslu found 355 administrative violations during the period of 2017 to 2018. Therefore, this new election law gives a breath of fresh air to force the law and flexibility to conduct its duty but on the same time this new power becomes a new challenge that Bawaslu should immediately overcome.

Nowadays, Bawaslu has gained more expectation of its performance and integrity. Along with Bawaslu's new motto "*Bersama rakyat awasi Pemilu. Bersama Bawaslu tegakkan keadilan Pemilu*", Bawaslu hopes that not only its member will improve their work but also to encourage Indonesian people to be more

<sup>11</sup> Indonesia, Law No. 15 of 2011 on Implementation of General Election, Article 69 (2).

<sup>12</sup> Indonesia, Law No.7 of 2017, Article 93 b.

<sup>13</sup> Bawaslu, "UU Pemilu Memperkuat Kewenangan Bawaslu", <https://bawaslu.go.id/id/berita/uu-pemilu-memperkuat-kewenangan-bawaslu>, accessed on May 29, 2018.

pro-active in supervising the electoral process.

### **C. Countering hate speech and negative content in social media during the elections process**

#### **Public sphere in digital world**

*Homo homini lupus* from Thomas Hobbes, *Leviathan* (1665) is like a mantra. Almost everyone knows that anecdote. Hobbes represented human as a wolf, wolf have the tendency to pry each other, vice versa with human. In *Leviathan*, Hobbes tried to give solution to that state of nature. According to Hobbes every single person should give their rights to nation and nation would regulate those rights. It would result in peaceful society.

The development of technology changes many main aspects of people's life, one of them is public sphere. Usually, people related public sphere as a "physical sphere" that could be see and feel with senses. The development of technology brings public sphere to a new place. It brings public sphere to digital world, to be specified it multiplies public

sphere into unlimited amount in digital world.<sup>14</sup> Economic process takes its part in this fiasco by excluding all of the information that is not relevant in the eye of economy.

Technology makes people see information is not as a logical structure, but now people see it whether the information is right on the target or not. Without doubt it separates information from its context, it obscured the line between reality and fiction.<sup>15</sup> It could be imagined how sometimes information that circulated in internet could be one-sided. The flow of information also becomes a major problem, since it would make people easily forget what about on topic and swiftly jump to the other topic.<sup>16</sup> People are over flowed by information that is irrelevant to their concern.<sup>17</sup> It made them joined on fabricated conversation, and when their voice was needed the most they do not raise their voice, since they are not get used to deep conversation.

This development of human as a homo digitalis, when human acted not only as a user of smartphone but also find their existence through digital world.<sup>18</sup>

<sup>14</sup> Karlina Supeli, "Ruang Publik Dunia Maya" on *Ruang Publik: Melacak "Partisipasi Demokratis dari Polis sampai Cyberspace*, ed. F. Budi Hardiman (Yogyakarta: PT. Kanisius, 2010), p. 342.

<sup>15</sup> Albert Borgmann, *Holding onto Reality. The Nature of Information at the Turn of Millennium* (Chicago: Univeristy of Chicago Press), p. 192.

<sup>16</sup> Supeli, *Ruang Publik Dunia Maya*, p. 343.

<sup>17</sup> *Ibid.*

<sup>18</sup> F. Budi Hardiman, "Homo Digitalis", *Kompas* (1 Maret 2018), p. 6.

They maintain their existence in digital world by uploading, chatting, and posting.<sup>19</sup> This new development makes people not only control the digital world, but also being control by the digital world. People take their parts to fabricate information in the new public sphere called digital world.

Indonesia is still standing straight and tall, but in the other side it is being consume by hoax and hate speech that developed in digital world. It leads to horizontal conflict in the society. Digital world is an area which has not been touched by the government. In digital world, people gain their freedom again, that once gone because it was given to the government (according to Hobbes' theory) to maintain order. It becomes a place when people become god and judge to other people, while ignoring their rationality and logic at the same time as long as their post is provocative enough to maintain their existence in digital world.<sup>20</sup> When everyone is acting god and judge, it could be predicted that there would be chaos and brutality. As a public sphere, digital world could not be left unmaintained by the government. The government needs to maintain order in digital world by regulate rules and

patrolling in digital world, moreover during the election time.

Indonesia already experience how bad it would cost the nation to lose control of digital world. Governor of Jakarta Election in 2017 is a solid example how people in digital world could rise chaos in digital world and bring it to "actual world", how they could swift someone's opinion to other through hoax and hate speech. Democracy that should be maintained during election time was badly compromised. For that reason, as an election supervisory body, Bawaslu should take a lead to maintain order in digital world during the election time.

### **Electoral Vulnerability Index of 2018 Head Regional Elections**

As part to attain effectiveness and efficiency, Bawaslu has created electoral vulnerability index (*Indeks Kerawanan Pemilu (IKP)*) for the Regional Head Elections in 2018 and further for the 2019 General Elections. This program has been started back in 2014 and well preserved as to date. Through IKP, Bawaslu can mapping each region together with the type of electoral violations. Each year, Bawaslu will evaluate the condition and potential

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<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

vulnerability and develop it according to the current electoral dynamic.

The purpose of IKP, in particular the 2018 IKP is expected as:

1. Mapping tools, potential measurement, prediction, and early detection to determine priority areas identified as vulnerable areas in the democratic election process.
2. A tool for identifying and identifying the characteristics, characteristics, and categories of vulnerability of the various regions that will hold elections.
3. Source of referral data, information, and knowledge as well as recommendations in making decisions. This is particularly the case for anticipatory measures that may hamper and disrupt the election process in various regions of Indonesia.

Bawaslu uses IKP to monitor and develop its strategies in order to optimize the prevention of election violations and disputes, taking into account the character and conditions in their respective regions. Bawaslu has conducted intensive communication and coordination with KPU and other election stakeholders, especially local governments, regional police, comrades, and religious figures and community leaders, in order to obtain data and information and streamline collaborative

work to prevent election violations, especially related to the anticipation of the use of issues of SARA (Tribe, Religion, Race, and Intergroup) which well spread through media social, Bureaucratic Politicization, Political Identity, and Money Politics.

As mentioned above, Bawaslu also has been very active to involve the participation of community groups in Local Election surveillance activities to detect and report alleged violations mainly related to voter lists, use of SARA issues in campaigns, money politics, bureaucratic politicization, and identity politics. This IKP is not only designed to support Bawaslu's duty, but also to assist other EMB to have better approach for every electoral issue.

Based on the data address in the 2018 IKP, Bawaslu encourages for the press to hold onto journalistic and broadcasting ethical codes in order to ensure that elections are fair, fair and democratic, including not spreading sensitive issues that trigger conflict in the community, on the agenda of elections, not spreading news or hoaxes that trigger public conflict, especially between candidate pairs. Bawaslu also hope that press can also fair information by presenting coverage and covering both sides in the context of providing productive information to the public. Of



course, some discussion have been made initiated by Bawaslu to address this issue and build a solid cooperation with the press.

### **The trend of using black campaign in social media to kill politic competitor**

When referring to findings in the field, the level of social media use related to election issues, including related issues of identity politics is almost rampant in all regions of different degrees. A total of 38 districts (25%) fall into the category of high social media usage rates for regional head election issues at the district / city level. While most are in the medium category as much as 63 regions (41%). Areas with moderate and high categories are among potential vulnerable to tension in social media related to election issues. The rest, only 53 regions (34%) are categorized as low rate of social media usage related to election issues.

There are 38 regions that fall into the category of high vulnerability in social media, two regions with the highest vulnerability scores are Tabalong District, part of South Kalimantan Province, and Konawe Regency, part of Southeast Sulawesi province. In which are influenced by the high vulnerability of

indicators of material substance campaigns in various forms and prospective political media and kinship. The high score in these two areas is influenced by the rise of issue on tribalism and the native status within the region. In addition, the areas of these two districts are mining areas, so there is a risk of mobilizing workers from outside the two regions if the elected leaders are not the local people.

The 2014 Presidential Election and 2017 Jakarta Governor Election could be seen as other examples of growing number of black campaign in social media. According to Kompas, 81.3% respondents are worries with the possibility of black campaigns in social media during Jakarta Local Election, only 14.9% respondents who are not worries with the possibility.<sup>21</sup> Bawaslu could not leave those worries unanswered.

### **Hate Speech – Between Human Rights and Violation**

Restrictions on one's human rights are essentially permitted under international law, but must be tested first, so as to whether or not they can be implemented. The way that can be used

<sup>21</sup> Topan Yuniarto, Be Wary of Rage in Virtual Life “Mewaspada! Kegaduhan di Dunia Maya” Kompas, (16 April 2018), p. 5.

to test a person's rights restriction is by a three-part test, which is as follows.

1. restrictions must be exercised only by law;
2. restrictions are only permitted on the legitimate purposes mentioned in Article 19 paragraph (3) of the International Covenant on Civil and Political Rights; and
3. Such restrictions are absolutely necessary to guarantee and protect such legitimate purposes.<sup>22</sup>

Vasu Mohan, in his explanation stated that it is important for everyone to give their opinion freely, because it has become a consensus in the international world and it must be protected.<sup>23</sup> Such freedom is no exception include in the conduct of elections. The same thing happens in other countries, so there are many good cases in the implementation. However, today's challenges in Indonesia and some other developing countries are very real for freedom of expression in the context of elections, especially with the media that cannot be restricted without strong ground. Vasu added that the new condition, at least in the last ten years, is

social media that can load hate speech content and false news over and over again. This is due to the absence of strict rules on what is happening in social media, and the absence of universally applicable rules regarding it.<sup>24</sup>

Hate speech has a diverse definition in every regulation or opinion of scholars. The Council of Europe's committee of Ministers consider that hate speech is all forms of expression that spread, incite, promote, justify racial hatred, xenophobia, anti-Semitism, or all forms of hatred based on intolerance, including: intolerance expressed by nationalism and ethnocentrism aggressive, discriminatory and hostile towards minorities, migrants, and immigrant descendants. Hate speech includes comments that are always directed at a particular person or group.<sup>25</sup> While Anne Weber, in *Manual on Hate Speech* explains hate speech is as follows,

The incitement of racial hatred or, in other words, hatred directed against a person or group of people on the ground of race, an incitement to hatred on the basis of unity, Incitement to other forms of hatred based on intolerance and expressed

<sup>22</sup>Supriyadi W. Eddyono dan Erasmus A.T. Napitupulu, *Policy Paper: Penghinaan dalam Rancangan KUHP 2013* (Jakarta: ICJR, 2014), hlm. 9

<sup>23</sup> Vasu Mohan, presented in the Negative Content Discussion in the Online Media at the Implementation of the Regional Head Election Campaign, organized by Bawaslu in Jakarta, 10 April 2018.

<sup>24</sup> Vasu Mohan, presented in the Negative Content Discussion in the Online Media at the Implementation of the Regional Head Election Campaign, organized by Bawaslu in Jakarta, 10 April 2018.

<sup>25</sup> Anne Weber, *Manual on Hate Speech* [s.l.: Council of Europe Publishing, s.a.], p. 3.

by aggressive nationalism and ethnocentrism.<sup>26</sup>

Vasu Mohan in his presentation said that there is no definite nomenclature of hate speech in the Declaration of Human Rights. First, the term hate speech appears in the discrimination rule. In Article 20 paragraph (2) of the ICCPR states that "The implementation of the Article has been done in various countries, but often encounters two problems, ie. there is a failure in conducting the implementation of the Act on hate speech; and there are applications that are too broad, overzealous, and politicized. The ban on hate speech is also regulated in the International Convention on Elimination of All Forms Racial Discrimination (ICERD). Under the Convention, there are also arrangements on criminal sanctions for all hate speech on race, ethnicity and color."<sup>27</sup>

In the Indonesian context, there are 3 laws that govern the hate speech. The third law are the Criminal Code (KUHP), Law No. 40 of 2008 on the Elimination of Racial and Ethnic Discrimination, and Law Number 19 of 2016 on Amendment of Law Number 11 of 2008 on Information and Transactions Electronic. The

Criminal Code is contained in Article 156 which states that,

*"Anyone who publicly expresses feelings of hostility, hatred or contempt for any or some of the Indonesian people is punishable by a maximum imprisonment of four years or a fine of four thousand five hundred rupiah."*

And Article 157 which states that,

*"(1) Any person who broadcasts, performs or attaches a publication or writing, containing contents of feelings of hostility, hatred or humiliation between or against the factions of the Indonesian people with a maximum imprisonment of two years and six months or the maximum fine many four thousand five hundred rupiah.*

*(2) If the offender commits such crimes while conducting his or her search and is not yet within five years of his conviction being permanent because of such crimes, the person may be prohibited from conducting the search. "*

Article 4 letter b jo Article 16 Law no. 40 of 2008 on the Elimination of Racial and Ethnic Discrimination provides that,

*"Anyone who deliberately shows hatred or hatred to people because of racial and ethnic differences in the form of:*

- 1. make any posts or drawings to be placed, pasted, or disseminated in public places or other places that others can see or read;*
- 2. make a speech, express, or throw a certain words in a public place or other places that others may hear;*

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<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*

3. *put something on her in the form of objects, words, or pictures in place public or other place that can be read by others. shall be imprisoned with a maximum imprisonment of 5 (five) years/or a maximum fine IDR 500.000.000,00 (five hundred million rupiah). "*

While in Article 28 paragraph (2) jo Article 45 a paragraph (2) of Law no. 19 of 2016 on Amendment of Law no. 11 of 2008 on Information and Electronic Transactions stipulates that,

*"Every person intentionally and without right to disseminate information aimed at generating a hatred or hostility of certain individuals and/or community groups based on ethnicity, religion, race and intergroup (SARA) shall be subject to a maximum imprisonment of 6 (six) years and / or a maximum fine of Rp1,000,000,000.00 (one billion rupiah) "*

In view of a content there must be further criteria that can ensure a content in the online medium is included in hate speech. One of them is the criteria proposed by ECHR, which is as follows,

1. *Intention or purpose;*
2. *Content or substance;*
3. *Context;*
4. *Target profile;*
5. *Publicity and potential impacts;*  
*and*
6. *The nature and crunch of the limits applied.*

In addition, there are other criteria for determining content in the online medium included in the hate speech, which is based on the Rabat Plan of Action.<sup>28</sup>In the document describes some of the indicators used to assess hate propaganda prohibited by law, as follows.<sup>29</sup>

Negative content in election or election perspectives often occurs in the campaign stage. In essence, the campaign is an activity to convince the Voters by offering the vision, mission, program and self-image of the candidates. The use of online media as a strategy in the campaign is considered more effective than the conventional way in this millennial era. However, as previously discussed, the presence of negative content in the stages of election campaigns and elections is inevitable. Bawaslu as the agency authorized to deal with alleged violations occurring in the campaign including the use of campaigns in online media, need to have an indicator to determine whether a content belongs to negative content or not. In that case, many views that can be taken into account by Bawaslu to determine the negative content, among others, are as follows:

<sup>28</sup> United Nations, Rabat Plan of Action.

<sup>29</sup> Imparsial, *Penebaran Kebencian: Studi tentang Pengaturan di Indonesia dan Perbandingan di Negara Lain* (Imparsial: Jakarta, 2015), p. 26-29.

1. Determining who the actors are doing / creating the negative content in the campaign material?
2. Is there any intent or intention to remove the rights of others in the negative content it creates, in this case done during the campaign period in the online media?
3. Content that is indicated as negative content is it against the growing value of society? And is there any provocative tendency in the content?
4. The extent to which the negative content impacts.

After the above mentioned has been made into consideration by Bawaslu, Bawaslu can conclude whether a content belongs to a campaign violation or not. However, it is important to realize that the rules that can be used as a basis for cracking down on such matters are not sufficient to accommodate current challenges, and there is even an opinion that many 'rubber articles' are cracking down on negative content in the online media. Of course, this is a challenge for Bawaslu to take action.

Bawaslu Regulation No. 12 of 2017 regarding supervision of campaign only regulate supervision of candidates' social media which registered to KPU.<sup>30</sup> It

already becomes a public knowledge that candidates' social media which registered to KPU would not spread any black campaign. However, unregistered social media account who would spread all of the hoaxes and hate speeches. Through Bawaslu Regulation No. 12 of 2017, Bawaslu could not do anything to the growing number of unregistered social media account which spread black campaign all over digital world. Hence, Bawaslu issued a new regulation as a revise Bawaslu Regulation No. 12 of 2017 named Bawaslu Regulation No. 12 of 2018, which in the new regulation Bawaslu has the authority to supervise social media accounts beside social media accounts that have been registered by candidates.<sup>31</sup>

Bawaslu is taking preventive action against the violation of campaign, that is by conducting a positive content campaign. Thus, in addition to preventing the occurrence of violations, Bawaslu can focus more on positive content. Bawaslu will socialize the usage of positive content for the campaign, so the candidates will no longer have the space to use hate speech as their campaign tools.

The emergence of new authority encouraged Bawaslu to cooperate with

<sup>30</sup> Indonesia, Bawaslu Regulation No.12 of 2017 on *Supervision of Election Campaign Governor and Deputy Governor, Regent and Deputy Regent, and Mayor and Deputy Mayor*, Article 19 (1).  
<sup>31</sup> *Ibid.*, Article 19 (5).

several social media platforms, such as Facebook, Google, and Twitter to take action on social media account which spread black campaign. Beside cooperation with several social media platforms, Bawaslu also made a direct link to report hate speech, incitement, and hoax on social media that could be used by public. So far (from February-May 2018) Bawaslu already received 52 violations reports and now are under Bawaslu investigation.

#### **D. Conclusion**

Bawaslu as an election supervisory body would take a lead to maintain order in social media during the election time,

since in 2017, Bawaslu realized the election quality was compromised by hate speech and hoax that developed in digital world. Therefore, Bawaslu issued a new regulation that allows Bawaslu to supervise every social media account during election beside social media account that has been registered by candidates. Bawaslu also maintains close relationship with social media platform in order to coordinate with them to take down negative contents. Bawaslu also develops a preventive action to counter hoax and hate speech by spreading positive content on social media and campaigning against hoax and hate speech.

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