CHALLENGES AND STRATEGIES TO MINIMIZE CAMPAIGN VIOLATIONS OF REGIONAL HEAD ELECTION

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Submission: June 8, 2022 Publication: June 22, 2022

Abstrak. This study aims to analyze the regulation on challenges and strategies to minimize campaign violations of the Regional Head Election simultaneously in 2020 during the Covid-19 pandemic. The research method used is normative juridical. Data was collected using literature study techniques on primary, secondary, and tertiary legal materials. The collected legal materials were then analyzed using qualitative data analysis methods. The results show that Law No. 6 of 2020, Regulation of General Election Commission No. 5 of 2020, Regulation of General Election Commission No. 13 of 2020, and Regulation of Election Supervisory Board No. 4 of 2020 has not been able to address the various violations of the 2020 Regional Head Elections campaign during the Covid-19 pandemic. In this case, mass mobilization exceeds the amount determined based on Regulation of General Election Commission No. 13 of 2020. In addition, the massive role of political buzzers indicates that money politics is rarely absent during the Regional Head Election campaign. Therefore, it is recommended to establish special regulations for pandemic situations, including prohibiting donations or other money politics. Furthermore, the involvement of political buzzers in online media who often use anonymous accounts requires specific regulations, including account legalization, content configuration, and content narrative. In addition, the application of health protocols in the Regional Head Election campaign should be based on Law No. 6 of 2018, which contains strict sanctions for violators of health protocols. From these recommendations, it is hoped that it will minimize the campaign violations of the Regional Head Election simultaneously in the future.

Keywords: Campaign Violations; Challenges and Strategies; Regional Head Election; Regulation.

INTRODUCTION

After the new order, the National System in Indonesia underwent significant changes, followed by the establishment of Law of the Republic of Indonesia Number 22 of 1999 on Local Government. However, in the election of Regional Heads, the focus is still on the representation of the Regional House of Representatives. In its journey, the election of Regional Heads based on Law of the Republic of Indonesia Number 22 of
2014 on the Election of Governor, Regent, and Mayor still pivots on the representation of the Regional House of Representatives. Therefore, most people protested because the election of Regional head elections is considered not based on democratic principles. Thus, a Government Regulation in Lieu of Law of the Republic of Indonesia Number 1 of 2014 on the Election of Governor, Regent, and Mayor, was issued to restore people’s sovereignty in democratic principles through direct elections.

The mechanism for the Regional Head Election then underwent significant changes in 2020 because it was held amid the Corona Virus Disease 2019 (Covid-19) pandemic. The establishment of Law of the Republic of Indonesia Number 6 of 2020 on Enactment of Government Regulation in Lieu of Law Number 2 of 2020 on the Third Amendment to Law Number 1 of 2015 on Enactment of Government Regulation in Lieu of Law Number 1 of 2014 on the Election of Governor, Regent, and Mayor Into Law Into Law (hereinafter referred to as Law No. 6 of 2020) is an effort to prevent the spread of Covid-19 amid the contestation of the Regional Head Election.

Elections amid a pandemic are not only held in Indonesia. Zainudin, et al., showed that the elections in Malaysia, which were held on September 26, 2020, had thorough preparations based on standard operating procedures related to campaigning to voting.¹ The rules for the campaign’s location include public spaces, voters’ homes, and the western and eastern regions of Malaysia. Campaigns in public spaces are limited to 250 people and have a physical distance of up to 1 meter. Meanwhile, visits to voters’ homes are limited to only three people. Interestingly, voting in Malaysia during the pandemic was also carried out through the postal service with the support of health authorities and security forces so that the election in Malaysia gets a practical assessment, with voter participation reaching 66.61%.

Meanwhile, the New Zealand election held on October 17, 2020, showed that the Election Commission emphasized preventive measures to prevent Covid-19.³ In this case, the Election Commission conducted temperature measurements on voters for two weeks before voting. Furthermore, the Election Commission also promoted tracing using mobile phones, equipped hand sanitizers at polling locations, appealed to bring their pens, and social distancing. Like Malaysia, New Zealand also conducts elections through postal and telephone services. In addition, polling officers visit residences, hospitals, and penitentiaries.

The success of the two countries in holding elections has proven that the pandemic does not interfere with the selection of qualified candidates for leaders. Law No. 6 of 2020, as the legal umbrella for the Regional Head Election in Indonesia, aims

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²Ibid.
to maintain the quality of democracy amid the Covid-19 pandemic. As a follow-up, establishing Regulation of General Election Commission of the Republic of Indonesia Number 13 of 2020 on the Second Amendment to Regulation of General Election Commission Number 6 of 2020 on Implementation of the Election of Governor and Deputy Governor, Regent and Deputy Regent, and or Mayor and Deputy Mayor Simultaneously Continuation in Non-Natural Disaster Conditions Corona Virus Disease 2019 (Covid-19) (hereinafter referred to as Regulation of General Election Commission No. 13 of 2020). On the other hand, the succession of the Regional Head Election amidst this risky situation requires extra work, including disaster risk management and cooperation by the organizing parties. In this case, to build an aligned vision for a democratic Regional Head Election.

However, the contestation of the Regional Head Election before and during the pandemic with the direct democracy system still has many problems, such as democratic practices that are opaque, transactional, and full of corrupt nuances. In addition, changes to the Regional Head Election mechanism have drawn criticism from related parties. The Ombudsman also considers that the difference in the Regional Head Election mechanism can still not address election issues during the Covid-19 period. Regional Head Election during the Covid-19 period did not yet have budget preparations and the capacity of qualified organizers.

Previous studies have shown that many violations occurred before the Regional Head Election. Hasanuddin, et al., showed that the violations that occurred during the Regional Head Election campaign in Indragiri Hulu were even more significant during the Covid-19 pandemic. Affandi & Affandi point out that the violations during the Regional Head Election campaigns in Depok and Sukabumi were due to mass mobilization exceeding the amount determined based on Regulation of General Election Commission No. 13 of 2020. Kolonio concluded that the sanctions for violations related to health protocols during the Regional Head campaign Elections in South Minahasa tend not to be carried out firmly by election organizers.

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In addition to the problems described above, problems that generally occurred prior to the Covid-19 Pandemic still adorn the Regional Head Election Simultaneously 2020. Dairul, et al., show that money politics violations are still being found during campaigns in several Banten Province regions that organize the Regional Head Election. Next, Suyono concluded that there were still many forms of the black campaign posted through social media during the 2020 Regional Head Election campaign.

From the description of previous research, various violations continue to color the Regional Head Election procession amid the Covid-19 pandemic. In addition, the actors involved in the Regional Head Election quickly access and produce news and information so that their actions increase election violations. However, behind the Regional Head Election, the candidate pair's branding strategy during the campaign is an important activity for the candidates. The campaign aims to influence voters so that there is a change in attitudes and actions for their political alignments. On the other hand, the 2020 Regional Head Election must also balance political interests and public health.

Based on the description above, this study aims to analyze the regulation on challenges and strategies to minimize campaign violations of the Regional Head Election simultaneously in 2020 during the Covid-19 pandemic.

**METHOD**

This study uses a normative juridical research method to analyze legal problems by referring to and originating from legal norms. The types of data used are legal materials, including:

1. Primary legal materials include Law No. 6 of 2020, Regulation of General Election Commission No. 5 of 2020, Regulation of General Election Commission No. 13 of 2020, Regulation of Election Supervisory Board No. 4 of 2020, and other laws and regulations;
2. Secondary legal materials that explain primary legal include books, articles, and materials obtained from the internet and discuss campaign violations of the Regional Head Election; and

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3. Tertiary legal materials are legal materials that provide instructions and explanations for primary and secondary legal materials. The tertiary legal material used by the author is the Big Indonesian Dictionary and related legal dictionaries.

The data was collected using literature study techniques on primary, secondary, and tertiary legal materials. The collected legal materials are then analyzed using qualitative data analysis methods with a statute approach to conclude the research objectives.

RESULTS AND DISCUSSION

A. The Challenge of the Regional Head Election Simultaneously 2020 Campaign During the Covid-19 Pandemic

The Regional Head Election Simultaneously in post-reform Indonesia was only held for the first time in 2015. Then it was continued in 2017 and 2018. So the Regional Head Election in 2020 during the Covid-19 pandemic is the fourth Regional Head Election Simultaneously held post-reform. Each Regional Head Election must have implementing regulations. On the other hand, due to the Regional Head Election during the Covid-19 pandemic, it is irrelevant if it is based on implementing regulations established for the implementation in normal situations. One of the implementing regulations of Law No. 6 of 2020, established during the Covid-19 pandemic, is Regulation of General Election Commission of the Republic of Indonesia Number 5 of 2020 on the Third Amendment to Regulation of General Election Commission Number 15 of 2019 on Stages, Programs, and Implementation Schedule the Election of Governor and Deputy Governor, Regent and Deputy Regent, and or Mayor and Deputy Mayor of 2020 (hereinafter referred to as Regulation of General Election Commission No. 5 of 2020). Referring to the initial decision on the implementation schedule, the Regional Head Election Simultaneously should be held on September 23, 2020. However, due to the Covid-19 pandemic, based on Article 8B of Regulation of General Election Commission No. 5 of 2020 regulates that:

"Implementation of the voting simultaneously, which was postponed due to the non-natural disaster Corona Virus Disease 2019 (Covid-19), was held on December 9, 2020."

While implementing regulations from a supervisory perspective is Regulation of Election Supervisory Board of the Republic of Indonesia Number 4 of 2020 on Supervision, Handling of Violations, and Dispute Resolution for the Election of Governor and Deputy Governor, Regent and Deputy Regent, and

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Mayor and Deputy Mayor Simultaneously Continuation in Non-Natural Disaster Conditions Corona Virus Disease 2019 (hereinafter referred to as Regulation of Election Supervisory Board No. 4 of 2020). All the implementing regulations aim to suppress the spread of Covid-19, which entered Indonesia in March 2020.

On the other hand, the presence and use of digital devices in recent years in a democracy are increasing. It is easier for the public to make corrections to government policies. One of them can be seen in the public's criticisms regarding the Regional Head Election Bill. So that the presence of digital devices indirectly supports the disclosure of public information and widens the channels of democracy. In addition, digital tools provide space for the presence of specific roles by using anonymous accounts. This condition is caused by the fact that it is easy to create multiple identities in the digital world and do not match their real identities in everyday life. The actor who uses this anonymous account also has a role in supporting campaign activities through digital media. They are usually called buzzers, who play an essential role in promoting candidates to win competitions in the executive and legislative spaces.

Long before the pandemic, black campaigns with the mushrooming of the role of political buzzers seemed to answer each other.¹⁹ For example, the involvement of political buzzers in the 2016 United States election has been in the spotlight. The presidential candidate competition was marked by the significant role of political buzzers who attacked and succeeded in reducing the electability of Hillary Clinton.²⁰ A similar condition also occurs in Indonesia, where the development of information technology supplies a series of polarization of public opinion. The presence of buzzers in the Regional Head Election and Presidential Election also adds a negative stigma to their role in carrying out black campaigns, issues of religious sentiment, and primordial.²¹

Sugiono explained that the success of Jokowi and Ahok in gaining votes in the 2012 Regional Head Election for the Special Capital Region of Jakarta could not be separated from the significant involvement of the buzzers.²² Furthermore, Kartika Djoemadi, the Coordinator of Jokowi Advanced Social Media Volunteers (JASMEV), admitted that he led at least 30,000 volunteers in operating social media. In this case, to win Jokowi and JK in the 2014 Presidential Election.²³

The campaign strategy in the Regional Head Election by candidates who turn to technology will harm each other. Information technology always opens a road map for black campaigns that corner political opponents who lack supporters and political costs. However, the shift in transmission to the use of information technology has narrowed the space for contestants from middle economic backgrounds. On the other hand, candidates who have significant capital to pay for the services of a political buzzer have a solid potential to increase their popularity and win the Regional Head Election contestation.

The survey of the team members of LP3ES shows that, on average, 78 buzzers are highly educated people. Denny Indrayana as a candidate for governor in the 2020 Regional Head Election in South Kalimantan, revealed his experience that he received an offer to use a buzzer with a cost of up to 1 billion. Considering the role of the buzzer as a branding agent for the candidate for the regional head, as well as having the power to make efforts to produce black campaigns for candidates who are opposed to the candidates they support. On the other hand, the buzzers are challenging to detect by security forces because most of them have anonymous accounts that keep their identities a secret. This condition is exacerbated by the absence of specific rules for the role of the buzzer so that they are free to carry out the series of activities. Then the intensity of social media as the primary means of communication during the Covid-19 pandemic indicates the importance of regulations that discipline social media user accounts. Therefore, the dominance of the use of online media as a channel for campaign mechanisms deserves attention for immediate preventive measures. In this case, discipline the buzzer account to prevent the spread of fake news or black campaigns. Due to the massive role of political buzzers, this indication also shows that money politics is rarely absent during the Regional Head Election campaign.

In addition, the intensity of campaigning through social media in a pandemic situation, supported by the role of political buzzers, has added to the supply of democratic setbacks in the 2020 Regional Head Election. It is necessary to establish special regulations that regulate buzzers by including formalization and legalization of accounts, regulation of content or narratives delivered, and binding legal sanctions that provide a deterrent effect to violators.

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Furthermore, the offline campaign during the Covid-19 pandemic with the implementation of the health protocol, which limited the participant quota to 50 people, was violated. Based on Election Vulnerability Index data from the Election Supervisory Board, the potential for violations in the 2020 Regional Head Election is 56.31%. Supriyadi explained that violations in the Regional Head Election during the Covid-19 pandemic occurred because the sanctions applied tended to be weak. In this case, the mechanism for handling violations of the Regional Head Election still refers to normal conditions. Data released by Indonesia Corruption Watch shows that the average campaign funds sourced from private legal entities in the 2020 Regional Head Elections reached IDR 2,802,700,455.00. Supriyadi pointed out that Law No. 6 of 2020 has not firmly established the mechanism for the Regional Head Election during the Covid-19 pandemic.

B. Strategies to Minimize Campaign Violations of the Regional Head Election Simultaneously 2020 During the Covid-19 Pandemic

With the record of violations of the Regional Head Election simultaneously 2020, it is essential to make crucial improvements regarding the principles or regulations for handling sanctions during the campaign period. In this case, the campaign is carried out offline or online. It is necessary to improve regulations so that future election mechanism violations do not recur. However, this weakness will interfere with the performance of institutions that directly handle violations of the Regional Head Election, such as the Election Supervisory Board and its staff. Law No. 6 of 2020, in general, only regulates the timing of the voting. Meanwhile, the implementation of campaign advertising based on Article 62 of Regulation of General Election Commission No. 13 of 2020 regulates “the broadcasting of campaign advertisements ... is carried out for 14 (fourteen) days before the start of the quiet period.” From these provisions, it can be understood that the campaign, including print media and online media, is carried out within two weeks before the quiet period.

Changes in campaign instruments and schedule in the 2020 Regional Head Elections imply an imbalance. Mediocre people with abundant material wealth won the Regional Head Election contestation even though they were personally less competent. They can control print media and online media to build an image in a short time. On the other hand, candidates who have minimal finances do not have a broad scope and reach, even though they have solid political capabilities or knowledge. In addition, the intervention of money politics amid political capitalism destroys education and the democratic process. This condition follows

36Ibid., pp. 505-506.
Bourdieu’s opinion on habitus. Despite the time difference, an arbitrary system that continues to be reproduced will always be considered ambiguous. Thus, ultimately money politics in implementing the Regional Head Election participate in procedural democracy.

The circulation of power through the Regional Head Election has not shown a quality process amid the intensity of the use of internet media and many prohibitions aimed at minimizing the spread of Covid-19. Law No. 6 of 2020, Regulation of General Election Commission No. 5 of 2020, Regulation of General Election Commission No. 13 of 2020, and Regulation of Election Supervisory Board No. 4 of 2020 normatively barely any drawbacks. However, when viewed more closely at the implementation process in the field, the nuances of the violation of the Regional Head Election have not been fully minimized. Therefore, several important notes regarding the urgency of enforcement of sanctions for parties who violate the Regional Head Election simultaneously in 2020 during the Covid-19 pandemic, namely:

1. The importance of specific regulations for pandemic situations includes prohibitions on donations or other money politics. In this case, the organizers and supervisors of the Regional Head Election are not constrained in proving the violation. In addition, the regulation is also related to the role of election organizers and supervisors in a pandemic situation in the future.

2. The application of health protocols in the Regional Head Election campaign as regulated in Article 88C of Regulation of General Election Commission No. 13 of 2020 regarding the limitation of the number of participants has not been able to encourage the regulation of offline campaigns. There needs to be a rationalization regarding the quota of participants based on the context of the social environment. In addition, the campaign should be based on the Law of the Republic of Indonesia Number 6 of 2018 on Health Quarantine which contains strict sanctions for violators of health protocols.

3. The involvement of political buzzers in online media who often use anonymous accounts requires specific regulations, including account legalization, content configuration, and content narrative. In addition, the 2020 Regional Head Election has not fully demonstrated the progress of democracy. Meanwhile, the 2020 Regional Head Election can be said to be successful and has an effectual output. At least the 2020 Regional Head Election will be a lesson for better democracy in the future.
CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion above, it can be concluded that Law No. 6 of 2020, Regulation of General Election Commission No. 5 of 2020, Regulation of General Election Commission No. 13 of 2020, and Regulation of Election Supervisory Board No. 4 of 2020 has not been able to address the various violations of the 2020 Regional Head Elections campaign during the Covid-19 pandemic. In this case, mass mobilization exceeds the amount determined based on Regulation of General Election Commission No. 13 of 2020. In addition, the massive role of political buzzers indicates that money politics is rarely absent during the Regional Head Election campaign. Based on these conclusions, it is recommended to establish special regulations for pandemic situations, including the prohibition of donations or other money politics. Furthermore, the involvement of political buzzers in online media who often use anonymous accounts requires specific regulations, including account legalization, content configuration, and content narrative. In addition, the application of health protocols in the Regional Head Election campaign should be based on Law No. 6 of 2018, which contains strict sanctions for violators of health protocols. From these recommendations, it is hoped that it will minimize the campaign violations of the Regional Head Election simultaneously in the future.

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