Does social media Has an Impact on Election? Legal Implications of social media Misuse for Political Campaigns

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Keywords: *Legal Implication; Regional Election; Social Media*	**ABSTRACT**
	This article discusses about the legal implication misuse in regional election, specifically in 2024 regional election. To achieve the objectives of this research, the researcher employs a normative legal research approach. Primary and secondary research materials are sourced from relevant literature on laws and theories. Primary and secondary materials come from various sources. As a result, this paper finds that there was a realtionship between social media and regional election in 2024, primarily in campaign. To achieve political goals, campaigns are used in political strategies. Based on the findings, the campaign uses three types of materials. First, a positive campaign is a type of campaign that is significantly related to the profile of electoral participants and uses various types of news to support the political values of personal branding. Second, a negative campaign is a type of campaign that focuses on highlighting the shortcomings and mistakes of political opponents. With the advancement of technology, social media campaigns have enabled candidates to communicate their vision and mission to the public quickly, easily, and accurately through social media campaigns. Article 41 letter f of PKPU Number 4 of 2017, Article 65 of Law Number 10 of 2016 regarding the implementation of regional elections, and Article 275 paragraph (1) of Law Number 7 of 2017 concerning Elections allow the use of social media in campaigns.

1. INTRODUCTION

Indonesia is a nation with a significant history in the implementation of constitutional systems. The term "election" is well-known among Indonesians, with the first democratic election held in 1955.[1] During the New Order era, elections were conducted five times, and the same number of elections occurred during the Reform era. However, the first general election that allow citizen to direct choose in simultaneous

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[1] Sholahuddin Al-Fatih, "Electoral Regulation in Indonesia : Is It Modern Law ?," *Unnes Law Journal* 6, no. 2 (2020): 205–16, https://doi.org/10.15294/ulj.v6i2.41627.

time is in 2019.[2] The holding of elections represents the political rights of Indonesian citizens. Every individual who meets the eligibility criteria to vote has the right to exercise their voice in the electoral process.[3] Political participation among today's youth has become more accessible due to the ease of obtaining information through social media. One contributing factor is the high intensity of social media usage. Unconsciously, many young people frequently discuss politics, enabling them to better understand the current political climate.

According to data from the General Election Commission (Komisi Pemilihan Umum/KPU) (2023), of the 204.8 million voters in 2024, 25 million were new voters (aged 17-25 years) or well-known as first-time voters.[4] First-time voters often rely on social media to gather information before participating in elections.[5] This is because social media provides easier access to political content. However, the increasingly tense political atmosphere can influence the nature of social media content available to new voters, potentially causing discomfort among the public. Some individuals may filter information to create a more conducive environment. In this digital era, technology has become one of the primary factors providing a foundation for various aspects of life. Millennials, as the largest users of social media, as well as Facebook and Twitter,[6] have the capacity to extend their influence to other users in political activities.

Young people, as netizens, are the group most likely to influence other social media users through their political activities.[7] Social media, as an internet-based communication platform, allows users to express themselves, interact, collaborate, share, and communicate with others to build virtual social relationships. On social media, three forms of social cognition emerge: recognition, communication, and collaboration. Social media can serve as an affordable yet highly effective tool for disseminating all kinds of information within a short timeframe. It comes in various forms, such as digital magazines, forums, blogs, or social networks. Moreover, the content shared is not limited to text but can also include images, videos, or real-time updates about candidates.

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[2] Muhammad Syafei and Muhammad Rafi Darajati, "Design of General Election in Indonesia," *LAW REFORM* 16, no. 1 (March 2020): 97–111, https://doi.org/10.14710/LR.V16I1.30308.

[3] Ignatius Yordan Nugraha, "Legal Pluralism, Human Rights and the Right to Vote: The Case of the Noken System in Papua," *Asia-Pacific Journal on Human Rights and the Law* 22, no. 2 (November 2021): 255–86, https://doi.org/10.1163/15718158-22020003.

[4] KemenPPPA, "Menteri PPPA Ajak Pemilih Pemula Jadi Pemilih Yang Cerdas Pada Pemilu 2024," KemenPPPA, 2023.

[5] Firman Noor et al., "The Implementation of Direct Local Election (Pilkada) and Money Politics Tendencies: The Current Indonesian Case," *Politik Indonesia: Indonesian Political Science Review* 6, no. 2 (August 2021): 227–46, https://doi.org/10.15294/ipsr.v6i2.31438.

[6] Prayudi Prayudi, Muhammad Edy Susilo, and Ninik Probosari, "Social Media Use and 2024 Indonesian General Election," ed. V. Ratten et al., *SHS Web of Conferences* 212 (March 2025): 04023, https://doi.org/10.1051/SHSCONF/202521204023.

[7] Damay Rusli, "The Role of Local Government in Increasing Young Voter Participation in the 2024 Regional Head Elections," *Jurnal Multidisiplin Sahombu* 5, no. 03 (March 2025): 198–209, https://doi.org/10.58471/jms.v5i03.

In this context, campaigns are conducted by teams, organizations, or officials aiming to garner additional support for their candidates in regional leadership elections. Gaining public support becomes easier as more people actively engage with social media. Social media encompasses websites that enable users to interact, exchange information, and communicate via the Internet, supported by advancements in information technology. Social media can be considered a versatile platform capable of facilitating numerous functions, including its use by governments to disseminate information to the public. Additionally, social media can be leveraged for political purposes, as it allows for the rapid delivery of political messages or news to the community, potentially influencing or shaping different perceptions among the public. As a result, discussions surrounding social media have become increasingly commonplace today.[8]

Propaganda, defined as the dissemination of persuasive information, is often regarded as an effective tool for achieving objectives quickly. Consequently, it is frequently employed in political activities, such as propaganda campaigns on social media. In essence, propaganda campaigns on social media are known to influence public opinion by targeting and discrediting certain parties. Considering that political competition typically relies on successful campaigns, it is evident that those subjected to such tactics may suffer negative consequences. Data collected by Statistics Indonesia (*Badan Pusat Statistik*/BPS) highlights certain successes linked to positive campaigns, illustrating the potential effectiveness of social media. In another side, some social media are full of black-campaign issues (or closest meaning to negative campaign).[9]

Black campaigns in social media during regional elections in Indonesia have become a significant concern, as they often involve the spread of false information, character assassination, and hoaxes to discredit political opponents. These campaigns are typically carried out through fake accounts, bots, or paid influencers who manipulate public perception by sharing misleading narratives. During Indonesia's regional elections, political rivals and their supporters frequently exploit platforms like Facebook, Twitter, and WhatsApp to spread negative propaganda, sometimes using deepfake technology or doctored images. Such tactics not only undermine democratic values but also create social division and distrust among voters. The Indonesian government and election supervisory bodies have attempted to combat these black campaigns through digital literacy programs and stricter regulations. However, the challenge persists due to the rapid spread of disinformation in the digital age.

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[8] Ilham Majid, "Implikasi Hukum Terhadap Pengawasan Pemilu Di Indonesia," *Wacana Paramarta: Jurnal Ilmu Hukum* 22, no. 2 (2023): 45–51, https://doi.org/https://doi.org/10.32816/paramarta.v22i2.279.
[9] Wirdyaningsih, "Permasalahan Black Campaign Dalam Pemilihan Umum," Fakultas Hukum Universitas Indonesia, 2025.

As an example, the black-campaign through social media that captured in documentary film "Dirty Vote" which happened in Election in 2024.[10] Moreover, the regulation to fight against black-campaign in regional election also faces challenges. The regulation stated on General Election Commission Regulation Number 28 of 2018 concerning Amendments to General Election Commission Regulation Number 23 of 2018 concerning General Election Campaigns. The legal consequences that arise can be ensnared by Law Number 7 of 2017 concerning General Elections and Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions, which gives rise to the dualism of regulation.[11] It is this fact and reality that makes *das sollen* and *das sein* different. Black campaigns are explicitly regulated in Article 280 of Law No. 7/2017, Article 69 of Law No. 1/2015, Article 27 paragraph 3 and Article 28 paragraph 2 of Law No. 19/2016. So, this article will specifically discuss the role of social media in regional elections to fight against black-campaign or negative campaign and play an important role for Election.

The use of social media extends beyond personal domains, allowing society to access diverse sources of information anytime and anywhere.[12] Similarly, social media users can swiftly share information with others, including its application in political activities or campaigns. The most common political campaign models include mass communication through large gatherings or leveraging social media platforms. Political campaigns can now be conducted on platforms such as Facebook, Twitter, YouTube, Instagram, WhatsApp, and Telegram. Candidates for regional head positions and their deputies can use social media to appeal to voters by presenting information that resonates with the public. Based on this discussion, two key issues will be explored: the use of social media as a campaign tool in regional head elections and the legal consequences of social media misuse in the 2024 regional head elections.

2. RESEARCH METHOD

This research employs a normative legal research method.[13] The primary and secondary materials for this study comprise relevant statutory and theoretical literature. The researcher collected these primary and secondary materials from various sources. This research provides a literature review and a normative legal analysis based on Law

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[10] Dave David Tedjokusumo, Carissa Amanda Siswanto, and Yuni Putri Dewantara, "Dirty Voice: Revealing the Veil of Black Campaigns in the World of Politics in the 2024 Election," *LEGAL BRIEF* 13, no. 2 (June 2024): 627–38, https://doi.org/10.35335/LEGAL.V13I2.1001.

[11] Candra Ulfatun Nisa, Hari Sutra Disemadi, and Kholis Roisah, "ASPEK HUKUM TENTANG BLACK CAMPAIGN PADA PLATFORM MEDIA SOSIAL INSTAGRAM," *Mahkamah : Jurnal Kajian Hukum Islam* 5, no. 1 (June 2020): 1–21, https://doi.org/10.24235/MAHKAMAH.V5I1.6032.

[12] Sholahuddin Al-Fatih et al., "ASEAN Civil Society In The Digital Era; Are We Moving Backwards?" 317, no. IConProCS (2019): 266–69, https://doi.org/10.2991/iconprocs-19.2019.55.

[13] Tunggul Ansari Setia Negara, "Normative Legal Research in Indonesia: Its Originis and Approaches," *Audito Comparative Law Journal (ACLJ)* 4, no. 1 (February 2023): 1–9, https://doi.org/10.22219/aclj.v4i1.24855.

No. 1 of 2015 (recently amended by Law No. 6 of 2020 concerning the Regional Councils for the 2024 Regional Elections) using a normative legal analysis approach.[14]

The researcher adopted a statutory approach by examining the context of the regulations governing regional elections (*Pilkada*) and a case approach by reviewing the implementation of simultaneous *Pilkada* on 2024.[15] This analysis aimed to identify shortcomings, advantages, and areas for improvement using multiple approaches. The primary sources of information for this study include primary legal data such as the 1945 Constitution of the Republic of Indonesia, the Election Law, the Regional Election Law, and other relevant provisions. Secondary legal data, such as books, periodicals, articles, and other legal data sources, were also used.

3. RESULTS AND DISCUSSION
3.1. Social media for Political Campaigns; Is It Has an Impact?

Regional elections (*Pilkada*) are a process in which individuals elect leaders for the next five years.[16] To achieve this goal, candidate pairs or their supporting political parties must be able to communicate freely with voters during the election campaign. *Pilkada* plays a crucial role in improving the quality of democratic life. There are two reasons why direct regional elections are necessary. First, they enhance the accountability of local political elites, including regional heads. Second, they break the chain of party politicization that often characterizes the dynamics of political parties in regional legislative councils (DPRD). Before Pilkada, regional heads typically relied on the DPRD, making them more accountable to the council than to the people.

Campaigning is a vital means of communication and support for elections.[17] It is also a strategy designed to persuade, influence, and garner the sympathy of individuals or the public by utilizing various media to achieve specific goals within a set period.[18] To achieve a democratic campaign, legal certainty must be grounded in a clear, comprehensible, and accessible legal framework. "Elections" is a term used to encompass all laws, materials, or legal documents related to elections. In summary, all laws, from the 1945 Constitution to implementing regulations such as Bawaslu regulations or KPU regulations related to elections, fall within the framework of electoral law. Establishing a

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[14] Sholahuddin Al-Fatih, *Perkembangan Metode Penelitian Hukum Di Indonesia*, 1st ed., vol. 1 (Malang: UMM Press, 2023).

[15] Sholahuddin Al-Fatih and Ahmad Siboy, *Menulis Artikel Karya Ilmiah Hukum Di Jurnal Nasional Dan Internasional Bereputasi* (Malang: Inteligensia Media, 2021).

[16] Parbuntian Sinaga, "Pemilihan Kepala Daerah Dalam Konstruksi UUD NRI 1945," *Binamulia Hukum* 7, no. 1 (2018): 17–25, https://doi.org/10.37893/jbh.v7i1.10.

[17] Turhamun Turhamun, "Desain Pesan Komunikasi Politik Perspektif Islam Di Era 4.0," *Jurnal Penelitian Agama* 23, no. 2 (2022): 281–95, https://doi.org/10.24090/jpa.v23i2.2022.pp281-295.

[18] Deden Fahruji and Atef Fahrudin, "Pemanfaatan Media Sosial Dalam Kampanye Politik Menjelang Pemilu 2024: Studi Kasus Tentang Akun Media Sosial Partai Politik Dan Politisi," *JIKA (Jurnal Ilmu Komunikasi Andalan)* 6, no. 2 (2023): 118–32, https://doi.org/10.31949/jika.v6i2.6675.

written legal framework for the implementation of regional elections (*Pilkada*) is advantageous as it provides certainty, transparency, and clarity. It facilitates legal interpretation and review and ensures that stakeholders, including voters, have access to a clear, open, and readily available legal framework through written laws.

Campaigning involves persuading voters about gubernatorial, regent, and mayoral candidates by offering programs that align with their objectives. Every candidate pair is given equal opportunities to present their views, policies, and plans fairly during the election campaign.[19] According to Article 56, paragraph (1) of Law No. 6 of 2016, campaigning can be conducted in the following ways: a. Limited meetings; b. Private meetings and conversations; c. public discussions or debates between candidates; d. Distribution of campaign materials to the public; e. Installation of campaign paraphernalia; f. Advertisements in print and electronic media; and/or g. Other activities that do not violate campaign restrictions or legal regulations. Election campaigning is fundamentally a process of political communication and encompasses all forms of communication activities related to political debates aimed at achieving electoral victory.

Candidate pairs must exercise great caution in political communication, as neglecting this aspect may reduce their chances of winning. In other words, the process of political communication should be directed toward all components that have the potential to influence electoral success. Several factors determine the success of an election campaign, one of which is the effective use of political communication media. Candidates most frequently utilize social media to disseminate political messages and engage with the public. The most widely used social media platforms in Indonesia include Facebook, WhatsApp, Twitter, Instagram, and YouTube.[20] Political communication is a "collaboration" between communication science and political science. The act of conveying messages to others to inform or influence their attitudes, opinions, or behaviors, whether directly or indirectly, is referred to as communication. That is, political communication involves the exchange of political messages concerning power, governance, and policies. However, to fully comprehend political communication, one must engage with political aspects and their nuances. In essence, political discourse occurs between "those who govern" and "those who are governed."

A political campaign is an organized effort undertaken by a team to persuade others to accept, modify, or reject certain ideas, attitudes, actions, or behaviors. One of the primary objectives of political campaign activities is to influence constituents and

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[19] Ahmad Siboy, Sholahuddin Al-Fatih, and Abdul Kadir Jaelani, "Design to Resolve Case of Disqualification of Winning Candidates in Local Government Head Elections in Indonesia," *Central Asia and the Caucasus* 23, no. 1 (2022): 632–42, https://doi.org/https://doi.org/10.37178/ca-c.23.1.056.

[20] Siti Mariyam, "Regulasi Konten Ilegal Pada Media Berbasis Teknologi Informasi," *Cita Hukum Indonesia* 1, no. 2 (2022): 103–13, https://doi.org/10.57100/jchi.v1i2.19.

encourage people across society to engage with the political communicator's message. Consequently, campaign activities are crucial as they significantly impact the success of the campaign itself. All political campaigns are audience-focused. In this context, the audience refers to groups of people who consistently interact with and influence one another within a framework referred to as the public. An audience that actively engages in this interaction is referred to as the public.

Therefore, both society and individuals possess the ability to resist and absorb stimuli that might hinder their engagement, but it should be noted that not all information provided to the audience during a campaign will impact them directly. Various variables can still influence audience behavior. Due to advancements in information technology, social media has become the most widely used communication medium. This is because individuals and groups internally filter, select, and process all political information and discussions from external sources.[21] Social media refers to websites that allow people to interact and share information online, and it is used by both rural and urban communities. Popular platforms include TikTok, Facebook, Twitter or X, YouTube, Instagram, WhatsApp and more.

Not only can individuals access information from various sources at any time and from anywhere, but they can also quickly share this information with others through social media. This includes using social media for political activities or campaigns, particularly during the *Pilkada* process. Campaigning through mass media is also widely used today. One of the most common ways to campaign is through mass communication, such as holding large gatherings or using mass media. Regional head candidates can utilize social media to persuade the public to vote for them by disseminating information that appeals to the community. Messages conveyed by regional head candidates through social media can influence public opinion, although each individual is affected to a different extent. Political attitudes can be shaped by exposure to political information. Positive attitudes are parallel to the goals of the communicator or candidate pairs, while negative attitudes disregard their intentions. Negative attitudes can also lead the public to form opposing opinions about the communicator. Social media provides a broad platform for virtual discussions on topics such as objects, environments, realities, and self-identity. Virtual media showcases various aspects of society and postmodern culture. Studies indicate that candidate pairs and campaign teams most frequently use Facebook as a social media platform.[22]

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[21] Devi Rahma Fatmala, Amanda Amelia, and Fitri Agustina Trianingsih, "The Use of Social Media Bot Accounts on Influencing Public Opinion: A Legal Review in Indonesia," *Legality: Jurnal Ilmiah Hukum* 28, no. 2 (2020): 169–82, https://doi.org/10.22219/ljih.v28i2.12148.

[22] Tim DetikNews, "Facebook Medsos Paling Banyak Bermuatan Radikal Tahun 2022," Detiknews, 2022.

The election of governors and deputy governors, regents and deputy regents, as well as mayors and deputy mayors, always involves a campaign process. This campaign process is conducted to secure as much public support as possible. Candidate pairs can use the Internet as a campaign tool due to advancements in information technology. This is regulated by General Election Commission Regulation No. 4 of 2017, as well as Article 275, paragraph (1) of Law No. 7 of 2017 concerning Elections, which governs social media campaigns. Social media influences culture, politics, economics, and law. It plays a crucial role in facilitating expression and presentation. Any figure who emerges can be freely evaluated by netizens on social media, including candidate pairs, their teams, and the general public of netizens.[23]

3.2. Legal Implications of Social Media Misuse for Political Campaigns

Campaigning is a political strategy used to achieve political goals. There are three types of campaign materials employed in political campaigns. First, positive campaign is closely related to the candidate's profile, utilizing various forms of media to support political image-building values. Second, *negative campaign* focuses on highlighting the shortcomings and mistakes of political opponents. In this context, the weaknesses in question are verifiable negative records supported by evidence of past or present events. Third, *black campaign* refers to the dissemination of slander, lies, defamation, and baseless accusations by political opponents.[24] This is widely regarded as character assassination. Both negative and black campaigns share similar characteristics: they are categorized as attack campaigns aimed at targeting political opponents. However, there is a significant distinction between the two. Negative campaigns utilize opponents' weaknesses but do so with accountability, ensuring the claims are factual and substantiated. In contrast, black campaigns attack political opponents by spreading falsehoods or slander to gain an advantage.

As negative campaigning relies on the perception of society, it is not prohibited and does not necessarily need to be avoided. Negative campaigns are based on truth and accountability, which some perceive as beneficial. These facts can be taken into consideration during voting. Additionally, voters have the right to know the track records of candidates, including their strengths and weaknesses, to make decisions aligned with their own opinions. Conversely, due to the prevalence of false accusations, black campaigns should be avoided by society. The General Election Commission (KPU) regulates all aspects of campaigning, including campaign methods. During the campaign period, candidate pairs must avoid hate speech, defamation, and falsehoods. They are also

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[23] Mufti Nurlatifah, "Persimpangan Kebebasan Berekspresi Dan Tanggung Jawab Sosial Pada Regulasi Jurnalisme Digital Di Indonesia," *Journal IIPTEK-KOM (Jurnal Pengetahuan Dan Teknologi Komunikasi* 22, no. 1 (2020): 77–93, https://doi.org/10.33164/iptekkom.22.1.2020.77-93.

[24] Fahruji and Fahrudin, "Pemanfaatan Media Sosial Dalam Kampanye Politik Menjelang Pemilu 2024: Studi Kasus Tentang Akun Media Sosial Partai Politik Dan Politisi."

prohibited from engaging in black campaigns. One common issue during elections is the prevalence of "black campaigns" performed by candidates or their teams to discredit their opponents. Black campaigning involves campaign violations, often using social media as its medium. It remains a frequent issue in Indonesia because it is challenging to prevent. One of the obstacles to addressing black campaigns is the lack of comprehensive and adequate regulations governing their use in electronic media. This stems from the fact that election-related regulations and laws have not established sufficient rules to address this issue.

Moreover, the laws governing elections and *Pilkada* cannot explicitly regulate black campaigns. However, Article 69(c) of Law No. 10 of 2016, which outlines the second amendment to Law No. 1 of 2015 and Law No. 1 of 2014, addresses this issue. Essentially, black campaigns cannot be specifically or comprehensively defined, but campaigns can be classified as negative if they include negative elements or are conducted in violation of applicable regulations. Although there is no precise definition of what constitutes a black campaign, Indonesian law has provisions governing prohibited activities during the campaign period.[25] It means, the government actually needed to draft any delegated legislation to fight against black campaign, as well as in KPU Regulation. It called a comprehensive KPU Regulation related to the used of social media during Election.[26] As explained in Article 69(b) of Law No. 10 of 2016, there is a prohibition against insults that may offend political parties and candidates during the campaign period. Additionally, elements of ethnicity, religion, race, and intergroup issues are also categorized as black campaigns, which are prohibited during the campaign period.

Black campaigns aim to tarnish the reputation of others so that they are viewed negatively and are used to attack political opponents. These campaigns are conducted in ways that violate political ethics—deviating from the truth, relying on unreliable sources, and resulting in slander, insults, and defamation.[27] Engaging in such black campaigns is presented as a logical step to persuade voters, even though such campaigns clearly harm election participants, as they must defend their dignity, reputation, and honor throughout the campaign. Furthermore, "black campaign" is defined as an effort to participate in a campaigning activity by damaging or undermining the reputation of an individual, particularly candidate pairs, through negative propaganda. While negative campaigns

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[25] Uuf Brajawidagda and Akemi T Chatfield, "Roles of Social Media in Open Data Environments: A Case Study of the 2014 Indonesian Presidential Election Voting Results" (Sidney: University of Wollongong, January 2014).

[26] Ella S. Prihatini, "Women and Social Media during Legislative Elections in Indonesia," *Women's Studies International Forum* 83, no. Nov-Dec (November 2020): 102417, https://doi.org/10.1016/J.WSIF.2020.102417.

[27] Zaka Firma Aditya and Sholahuddin Al-Fatih, "Indonesian Constitutional Rights: Expressing and Purposing Opinions on the Internet," *International Journal of Human Rights* 25, no. 9 (2021): 1395–1419, https://doi.org/10.1080/13642987.2020.1826450.

may convey truths or facts about a person's strengths and weaknesses, they are considered acceptable within the context of electoral competition. However, black campaigns are unethical as the arguments presented often consist of slander, incitement, and issues that are not based on reality.

Black campaigns often utilize hoaxes as their primary tool. Fake news can be quickly created, processed, and disseminated through social media. Viral information can spread rapidly, even when it is difficult to identify its creator. Many hoaxes are also shared anonymously, with the names mentioned not always corresponding to the actual individuals involved. The situation is exacerbated by segments of the public who are neither selective nor cautious, easily reposting and forwarding information without verifying its source.

Over the years, campaigning has undergone several changes, particularly in the mediums used. As a result, the presentation of visions, missions, and work programs has been conducted differently in each election cycle. This also applies to negative campaigns or black campaigns, which in the past primarily disseminated information through print media. However, today, the dissemination of information has become more widespread and accessible to everyone due to the utilization of social media. The dissemination of campaign materials is often carried out by the teams or supporters of election participants. This approach aligns with advancements in technology and information, as well as the sophistication of media platforms that can be used as campaign tools. Over time, candidates and their teams must become increasingly creative in presenting their programs and visions to the public.[28]

In the political sphere, the use of social media is considered highly beneficial and more efficient because it allows for the rapid and easy dissemination of information, as well as enabling direct responses and the free exchange of information. Social media is also more cost-effective due to its accessibility. Additionally, social media serves as a platform for discussing specific ideas, making it crucial for supporting or opposing notions. Moreover, social media provides a space where members of society can share their ideas. Consequently, social media quickly influences and shapes public politics through the Internet. Black campaigns can be conducted on various social media platforms, including Instagram.[29] Instagram is a social media platform used for black campaigns aimed at attacking and undermining the goodwill of political opponents to

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[28] Muhammad Eko Atmojo, Awang Darumurti, and Vindhi Putri Pratiwi, "Analisis #JagaASN Sebagai Media Kampanye Di Indonesia Pada Pemilihan Kepala Daerah Tahun 2020," *PERSPEKTIF* 11, no. 2 (March 2022): 469–75, https://doi.org/10.31289/perspektif.v11i2.5829.

[29] Juliene Denise Chua et al., "Unraveling the Dynamics of Social Media Engagement and Activism among Far Eastern University Students: A Demographic and Attitudinal Analysis," *International Journal of Current Science Research and Review* 07, no. 05 (2024): 2650–65, https://doi.org/10.47191/ijcsrr/v7-i5-27.

gain public sympathy, although such efforts often fail to secure sufficient voter support. When negative stories about politicians spread on social media, deliberately portraying them in a poor light, a significant portion of the public, especially internet users, can be easily influenced. Black campaigning is considered a primary weapon in political campaigns, although it is not always an effective strategy for gaining voter support. However, such campaigns can create tension, leading to anxiety and worry among internet users and the general public.

Public reception of media content often leads to concern and unrest. Factors such as age, perception, interests and talents, socio-cultural background, proficiency and competence, and others influence how the public receives media.[30] Most social media platforms, such as Instagram and Facebook, are predominantly used by teenagers and adults. Older adults, individuals with limited literacy skills, and those who are economically disadvantaged or less educated tend to rely on electronic media, such as television, radio, or print media, to obtain information. Today, social media, particularly Instagram, has evolved into a vital communication tool. As a medium for accessing information, social media has gradually shifted the role of electronic and print media, indicating that social media is widely used for the indirect exchange of information. Journalists frequently seek information from social media, particularly regarding public opinion.[31]

However, when social media is used as the primary source of information, issues arise, such as the spread of false news, unless the information on social media is utilized to clarify facts and ensure its accuracy. Media can become a conduit for spreading fake news, even if its initial purpose is to disseminate accurate and high-quality information. This issue also applies to election data, particularly data related to election campaigns. When black campaigns exploit the public and provide misleading and defamatory information, the information shared with the public becomes inaccurate and unreliable. Electronic and print media, which play a crucial role in campaign programs, must remain objective in disseminating information, educating the public, and presenting clear and accurate distinctions between truth and falsehood. Media should not penalize politicians by adopting biased positions, as this can ultimately lead to voter apathy. Furthermore, conflicts between politicians and the use of smear campaigns aggravate the situation. Such actions anger netizens and the broader public, who may come to perceive all politicians as corrupt and devoid of integrity. It is evident that conducting smear

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[30] Danil Putra Arisandy, "Realitas Media Massa Lokal Dan Politik Dalam Proses Demokrasi Di Kota Langsa," *Al-Hikmah Media Dakwah, Komunikasi, Sosial Dan Kebudayaan* 14, no. 2 (2023): 189–204, https://doi.org/10.32505/hikmah.v14i2.7569.

[31] Kai Riemer and Sandra Peter, "Algorithmic Audiencing: Why We Need to Rethink Free Speech on Social Media," *Journal of Information Technology* 36, no. 4 (2021): 409–26, https://doi.org/10.1177/02683962211013358.

campaigns through social media has far-reaching consequences beyond merely spreading false information or tarnishing the reputation of politicians. Such actions can influence society as a whole and infringe upon the right to accurate and objective information. Naturally, these actions carry legal implications.

Based on Supreme Court Regulation No. 1 of 2018 (Perma 1/2018) concerning Procedures for Resolving Election Violations, Law No. 10 of 2016, and Law No. 7 of 2017, electoral competition applies to both regional and national elections. The "Black Lives Matter" campaign on social media relates to the use of technology, including cybercrime.[32] Consequently, this process also requires the implementation of Law No. 19 of 2016, which amended Law No. 11 of 2008 concerning Electronic Information and Transactions (Law 19/2016). Under Law No. 7 of 2017, violations of campaign restrictions, including the use of social media for smear campaigns, may be subject to prosecution under the "Election Criminal Provisions."

As mentioned above, Law No. 7 of 2017 does not explicitly regulate or define the term "black campaign." However, based on prohibited actions, particularly Article 280, paragraph (1), letter d, such activities can be categorized as a form of black campaigning as described in the explanation of Article 69, letter c of Law No. 10 of 2016, which concerns incitement and defamation. Additionally, Article 280, paragraph (1), letter c is linked to Article 69, letter b of Law No. 10 of 2016 as an act that could indicate black campaigning, specifically insults. In such cases, Law No. 7 of 2017 stipulates sanctions under Article 521, which pertains to electoral prohibitions categorized under Article 280, paragraph (1). Campaign organizers, participants, or campaign teams engaging in incitement, provocation, or insults linked to ethnicity, religion, race, and intergroup issues (SARA) and proven to be involved in black campaigns may face imprisonment for up to two years. The objectives of black campaigns, as part of campaign methods, do not alter the sanctions. According to Article 275, paragraph 1 of Law No. 7 of 2017, the same criminal penalties apply to black campaigns conducted via social media and those conducted through other campaign methods, such as meetings and the dissemination of campaign materials.

Within the category of cybercrime described above, Law No. 19 of 2016 can penalize the misuse of modern technology, particularly social media, in black campaigns. Article 45, paragraph (3), stipulates that anyone who intentionally and without authorization distributes, transmits, or makes accessible electronic documents or information containing insults or defamation can face imprisonment for up to four years and/or a maximum fine of IDR 750 million. Additionally, Article 45A, paragraph (2),

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[32] Bambang Tri Bawono, "Reformation of Law Enforcement of Cyber Crime in Indonesia," *Jurnal Pembaharuan Hukum* 6, no. 3 (2019): 332–49, https://doi.org/10.26532/jph.v6i3.9633.

regulates the use of ethnicity, religion, race, and intergroup issues (SARA) violations in political campaigns. Any individual who intentionally and unlawfully disseminates information that incites hatred or hostility toward specific groups or individuals within a society based on ethnicity, religion, race, or intergroup differences (SARA) may face imprisonment for up to six years and/or a maximum fine of IDR 1 billion.

In addressing black campaign cases conducted through social media, the criminal provisions outlined in Law No. 19 of 2016 can overlap with the electoral criminal provisions specified in Law No. 7 of 2017. This overlap highlights the dualism and lack of clarity in Law No. 7 of 2017, particularly regarding electoral crimes. The criminal provisions of Law No. 19 of 2016 apply universally to all individuals. The term "any person" in Article 1, number 21 of Law No. 19 of 2016, refers to every person, whether a legal entity or an Indonesian citizen. However, organizers, participants, and campaign teams are prohibited from conducting electoral campaigns, as stated in Article 280, paragraph (1) of Law No. 7 of 2017. In this context, it remains unclear whether the term "participant" refers to an election participant or a campaign participant.[33] These two meanings differ significantly in their etymology. According to Article 1, number 27, election participants include all parties involved in campaigns for presidential and vice-presidential elections, as well as political parties nominating members of the House of Representatives, Provincial Representative Council, and Regency/City Representative Council, and candidate pairs proposed by political parties or coalitions of political parties.

In greater detail, Article 280, paragraph (1) of Law No. 7 of 2017 refers specifically to campaign participants, not election participants. According to Article 268, paragraph (2) of Law No. 7 of 2017, campaign participants must take part in election campaigns, and Article 273 of the same law stipulates that campaign participants must belong to the same community. Additionally, Chapter 10 of Law No. 7 of 2017, which addresses "Supervision of Election Campaigns" and encompasses Articles 307 to 324, pays particular attention to campaign violations involving campaign participants, campaign teams, and campaign organizers. This demonstrates that any individual participating in elections may be subject to electoral crimes as outlined in Article 7 of Law No. 7 of 2017 concerning Elections. However, in practice, the term "participant," as referred to in Article 280, paragraph (1) of Law No. 7 of 2017, often refers to voters. Law No. 7 of 2017 appears to primarily apply to those directly involved in elections, such as campaign organizers, election participants, and campaign teams. Edward Fritz, a member of the Bawaslu (Election Supervisory Board), explained that victims of electoral crimes include political parties directly involved in elections and the candidates contesting them.

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[33] Ibnu Fanhar Nur, Anisa Herdiani, and Widi Astuti, "Analisis Sentimen Berbasis Leksikon InSet Terhadap Partai Politik Peserta Pemilu 2019 Pada Media Sosial Twitter," *E-Proceeding of Engineering* 6, no. 3 (2019): 1–11.

Furthermore, according to a directive by Johannes Dem, the Director-General of the Secretariat, Law No. 7 of 2017 concerning Electoral Violations applies to campaign organizers, election participants, and campaign teams. Members of the public who are enthusiastic supporters of specific election participants (and could be classified as participants within the broader community) are not included under the provisions of Law No. 7 of 2017. Similarly, Mahfud, ex-Indonesia's Coordinating Minister for Political, Legal, and Security Affairs, stated that he was not influenced by Law No. 7 of 2017 in handling the "Black Mothers Campaign" in Karawang, which circulated on social media. He explained that it was lawful because the perpetrator in question was not a member of a political party, campaign team, candidate pair, or parliamentary candidate. As a result, the act was deemed a violation of Law No. 19 of 2016 rather than an electoral crime under Law No. 7 of 2017.

Regardless of the circumstances, black campaigning through social media or print media is illegal and unacceptable in the election campaign process, including in *Pilkada*. Black campaigns consist of slander, defamation, and various forms of falsehoods.[34] Therefore, firm action must be taken against individuals involved in black campaigns. When interpreting the legal subjects of electoral crimes, it is unclear whether the term "participant," as used in Article 280, paragraph (1) of Law No. 7 of 2017, refers to campaign participants, election participants, or both. Election participants and campaign participants are distinct. Since campaigning involves the general public—not just individuals formally participating in elections or directly associated with them—there is an opportunity for members of the public to engage in black campaign practices. In practice, Law No. 7 of 2017 applies if the perpetrator of a black campaign is an election participant or someone directly connected to the election. Conversely, under Law No. 19 of 2016, harsher penalties are imposed on black campaign perpetrators who are members of the general public with no direct involvement in election-related interests.[35]

4. CONCLUSION

The use of social media in campaigns has become increasingly popular amidst the rapid advancements in information technology. Candidates now have the ability to convey their visions and missions to the public quickly, efficiently, and effectively through social media campaigns. Article 41(f) of General Election Commission Regulation (PKPU) No. 4 of 2017, Article 65 of Law No. 10 of 2016 concerning Regional Elections, and Article 275, paragraph (1) of Law No. 7 of 2017 concerning Elections permit the use of social media in campaigning. In practice, candidate pairs most

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[34] Andrian Thanzani et al., "Black Campaign Melalui Media Elektronik Dari Perspektif Hukum Pemilu," *Journal Evidence Of Law* 1, no. 3 (2022): 42–51, https://doi.org/10.59066/jel.v1i3.103.

[35] Vera Altmeyer, "Intimidation versus Inclusion: New Strategies in Indonesian Election Campaigning," *A S E A S: Austrian Journal of South-East Asian Studies* 7, no. 1 (2014): 121–32.

frequently utilize platforms such as Facebook, Twitter or X, YouTube, Instagram, and WhatsApp. Social media-based political campaigns can yield both positive and negative impacts. On the positive side, communication between candidate pairs and the public becomes faster and easier, and using internet networks proves to be cost-efficient. On the other hand, social media is often misused for black campaigns and the dissemination of fake news. To address this, Law No. 10 of 2016, along with other related regulations, serves as a mechanism to reduce and prevent widespread black campaigning. Furthermore, these laws categorize black campaigns on social media as violations of regional election rules, which fall under the jurisdiction of *Sentra Gakkumdu* (the Integrated Law Enforcement Centre) and are closely related to violations under the IET Law.

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