



The Impacts of Tik Tok Social Media on The Implementation of Election Law in the Modern Era

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Abstract.

The development of technology, which is the basis of print and electronic mass media, today has also created a new media known as electronic social media, such as Tik Tok. This is then used as a means of conducting election campaigns, given the wide range of space covered by electronic social media. However, at present, it is found that candidate pairs and success teams are conducting campaigns during the quiet period on social media such as Tik Tok, especially with algorithms that cannot be regulated so that they can appear at any time. The purpose of this writing is to know and understand the influence of social media (tik tok) on election laws in this modern era. The writing method used in this article is normative legal research. The results show that the role of social media in campaigning has an influence in this modern era. First, there is no legal certainty for election participants in campaigning on social media. Second, there are no content restrictions in campaigning on social media. Third, the supervisory institution for campaigning on social media is still not focused.

Keywords: election, social media, modern era,

1 Introduction

Indonesia is a unitary state, as stated in Article 1(1) of the 4th Amendment of the 1945 Constitution, which serves to keep divisions between the Indonesian people who are essentially multicultural. The heterogeneity of Indonesian society is then maintained within a legal framework, this is the philosophical basis of Article 1 paragraph (3) of the 4th Amendment of the 1945 Constitution which states that, "The State of Indonesia is a state of law." Law as a tool that maintains the integrity of the Unitary State of the Republic of Indonesia is also used to implement the sovereignty of the people as mandated in Article 1 paragraph (2) of the 4th Amendment of the 1945 Constitution which states that, "The State of Indonesia is a state of law. It reads, "Sovereignty is vested in the people and exercised according to the Constitution. This interpretation of sovereignty in the hands of the people is then synonymized with the term "democracy", so that every time the phrase sovereignty in the hands of the people appears in a piece of legislation, the meaning given is democracy. Democracy is a way of achieving people's welfare, which can only be achieved by creating an open society, which is the hallmark of a democratic society. The main principle of democracy is the prioritization of public interests over private interests. This principle underlies the establishment of a mechanism to elect and be elected as leaders in the Unitary State of the Republic of Indonesia.

The terminology of democracy in developing countries is increasingly widespread at the level of discourse and the direction of socio-political movements. As a political system, Democracy has occupied the top strata accepted by many countries because it is considered capable of regulating and resolving social and political relations, both involving the interests of individuals in society and relations between communities.[1]

The existence of General Elections (Pemilu) and the Election Supervisory Body (Bawaslu) at the Central, Provincial, Regency / City levels is a characteristic of a democratic country. Although elections are not the only aspect of democracy, they are important as a mechanism for political change regarding the pattern and direction of public policy and/or the circulation of elites in a periodic and orderly manner.[2]

A quality election can be seen in terms of process and results. In terms of the process, if the election takes place democratically, safely, orderly, and smoothly, as well as honestly and fairly. Meanwhile, in terms of results, the elections must produce representatives of the people and state leaders who are able to improve the welfare of the people, in addition to raising the dignity of the nation, in the eyes of the International world. In other words, it can be stated that elections that produce representatives of the people and state leaders, who are able to realize national ideals, as stated in the preamble of the 1945 Constitution of the Unitary Republic of Indonesia, namely: "to protect the entire Indonesian nation and

the entire Indonesia blood sphere and to realize the general welfare, educate the nation's life, and participate in implementing world order, which is based on independence, eternal peace and social justice".

The demand for honest and fair elections is increasingly evidenced by the increasingly strong legal formal establishment of the Election Supervisory Agency (Bawaslu) from the Central, Provincial to the Establishment of the Election Supervisory Agency at the Regency / City level, which was initially a committee only, it is proposed that it become a permanent body.[3]

But there is a dark side in Indonesian democracy that sometimes violations of campaigns that want to gain power by improper means are still carried out by success teams in every general election so that democracy which was originally from the people, by the people, and for the people often occurs negative things that make the birth of premature leaders, so the importance of a clean democracy will be discussed.

Relate to the determination the future of a Nation and State, in theory it is very good but in the implementation of our elections there are still many problems and violations that often occur during elections.

The development of technology, which is the basis of print and electronic mass media, today has also created a new media known as electronic social media, such as Tik Tok. A virtual space that can find people from all over the world. This is then used as a means of conducting election campaigns, given the wide scope covered by electronic social media. However, at this time, it was found that a pair of candidate leaders and a success team conducted a campaign during the quiet period on social media such as Tik Tok, especially with an unmanageable algorithm so that it could appear at any time, this is an impact of technological developments, where humans cannot fully regulate. The purpose of this paper is to know and understand the influence of social media (tik tok) on the implementation of election laws in this modern era.

2. Research Methods

The type of research used is normative legal research, which examines formal legal rules such as laws, regulations, and theoretical literature that are connected to the writing of this article. The approach method used is the statutory approach and conceptual approach. Primary legal materials come from legal provisions governing elections. The legal provisions referred to are Law No. 32 of 2004 concerning Regional Government which was later updated in Law No. 12 of 2008, journals, scientific papers, articles, and other literature relevant to the legal issues to be studied.

3. Results and Discussion

i. How is the enforcement of regulations related to election campaign activities during the quiet period through social media, especially Tik Tok?

Law No. 32/2004 on Regional Government is the law that regulates the mechanism of election implementation at the statutory level which was later updated again in Law No. 12/2008.

Article 76 of Law No. 32 of 2004 states that campaigns can be conducted through (a) limited meetings; (b) face-to-face meetings and dialogs; (c) dissemination through print and electronic media; (d) dissemination through radio or television media; (e) distribution of campaign materials to the public; (f) installation of props in public places; (g) public meetings; (h) public debates or open debates between candidates; and (i) other activities that does not violate laws and regulations.

Article 76 letter (c) clearly shows the contribution of technological developments related to election campaigns. Print mass media and electronic mass media are tools in conveying information to the public. The importance of protecting the public from irresponsible information-formation, especially in election campaign activities, is the basis for this regulation.

The use of the internet has resulted in a new form of democracy, namely digital democracy. Digital democracy is a collection of efforts to practice democracy without the limits of time, space and other physical conditions, using information technology instead of traditional "analog" political practices. This form of digital democracy practice uses digital media to communicate, both online and offline. This distinction between online-offline must be added because political activities do not only take place on the internet but must also have an impact in the real world.

The development of technology which is the basis of print and electronic mass media today has also created a new media known as electronic social media, such as Tik Tok. A virtual space that can bring together people from all over the world. This is then used as a means of conducting election campaigns, given the wide scope covered by electronic social media. This is because social media can play a communication role, because communication is an effort to make all marketing activities or campaign promotions can produce an image or image that is one or consistent. Social media is a paradigm of traditional new media such as TV, radio and newspapers facilitating communication or direction while social media is two-way communication by allowing everyone to publish and contribute through online conversations.[4]

Social media, especially Tik Tok, plays an important role in the process of social change in society. Social change is a process experienced by members of society as well as all elements of culture and national systems, where all levels of community life voluntarily or influenced by external elements leave old patterns of life, culture, and social systems and then adapt or use new patterns of life, culture and social systems.[5] Campaign activities are a way of political strategy to win elections that should provide political education to the public and be carried out responsibly.[6]

Election Law No. 8/2012 Article 83 states that the legislative election campaign begins three days after a party is officially designated as an election participant and ends at the start of the quiet period. This means that the public will face exposure to campaigns of various strengths who are contesting.

In the practice of electoral democracy in Indonesia, the campaign phase is often a crucial point that affects the quality of elections, especially in relation to the political education of citizens. A key issue in the campaign phase is the commitment to respect and implement the agreed rules of the game.[7]

The Law (Number 8 of 2012 concerning Legislative Elections) and PKPU (KPU Regulation Number 6 of 2013 concerning Stages, Programs, and Schedules of Legislative Elections) have regulated, campaigns in the form of public meetings and campaigns through print, online, and electronic mass media. Can only be done 21 days before the start of the quiet period. However, at this time, the influence of social media, especially Tik Tok with an unmanageable algorithm that can appear at any time and allow broadcast during the quiet period of the election with a quick response,

including its spread. This has been called for by the Election Supervisory Agency (Bawaslu) to prohibit campaigns on all socialmedia *platforms* in the 2019 elections. Bawaslu provides several signs related to the prohibition during the quiet period for activities in any form of campaign. Sanctions for violators can be in the form of administrative sanctions or the heaviest can be criminal, because they are categorized as campaigns outside the schedule.

However, the legal instruments to ensnare the perpetrators of covert campaigns during the quiet period are still limited, namely the Election Law does not tour the end of the campaign on social media. The prohibition of campaigning on social media during the quiet period is only contained in KPU Regulation No. 23/2018 to implementers, election participants and campaign teams. This regulation does not reach people who are fanatical about certain election participants and continue to upload political expressions on their social media accounts during the quiet period. So that various activities such as sharing, uploading content, and commenting by netizens during the calm period can trigger great losses for other election participants.[8]

ii. Is the Election Law still relevant in modern times?

Despite the many benefits of social media in campaigning, the role of social media in campaigning has had an impact in this modern era. First, there is no legal certainty for election participants in campaigning on social media. Second, there are no content restrictions in campaigning on social media. Third, social media campaign supervisory institutions are still not focused.[8]

The existence of legal uncertainty can be seen from the disharmony of the quiet period arrangements contained in Law No. 7 of 2017 concerning General Elections and PKPU No. 23 of 2018 concerning General Election Campaigns. Article 278 paragraph (2) states "During the Quiet Period as referred to in Article 276, the implementer, participant, and/or team of the

The Presidential and Vice Presidential Election Campaign is prohibited from promising or giving rewards to Voters to a) not exercise their voting rights; b) choose a candidate pair; c) choose a particular Election Participant Political Party; d) choose certain candidates for members of the DPR, Provincial DPRD, and Regency / City DPRD, and or e) choose certain DPD candidates..." while Article 24 paragraph (4) PKPU No.23 reads "during the Quiet Period, Election Participants are prohibited from carrying out campaigns in any form"./2018 reads "during the Quiet Period, Election Participants are prohibited from carrying out campaigns in any form" there is a clear reduction in legal subjects, where the Election Law prohibits 3 (three) legal subjects from conducting campaigns in the quiet period, namely implementers, participants, and / or campaign teams. While PKPU only prohibits election participants. Furthermore, Article 287 paragraph (5) of the Election Law states "Print mass media, online media, social media, and broadcasting institutions during the quiet period are prohibited from broadcasting news, advertisements, track records of Election Participants, or other forms that lead to the interests of Election Campaigns that benefit or harm Election Participants.

Second, there are no content restrictions in campaigning, which causes a lot of hoaxes and hate speech that divides the community. Based on Article 69 PKPU No. 23/2018 concerning the General Election Campaign states that the executor,

participant, and Election Campaign Team are prohibited from: a) questioning the state foundation of Pancasila, the Preamble of the 1945 Constitution of the Republic of Indonesia, and the form of the Unitary State of the Republic of Indonesia; b) carrying out activities that endanger the integrity of the Unitary State of the Republic of Indonesia; c) insulting a person, religion, ethnicity, race, group, candidate, and/or other Election Participants; d) inciting and pitting individuals or communities against each other; e) disturbing public order; f) threatening to commit violence or advocating the use of violence against a person, group of community members, and/or other Election Participants; g) damaging and/or removing campaign props of Election Participants; h) using government facilities, places of worship, and places of education; i) carrying or using signs and/or attributes other than the signs and/or attributes of the Election Participants concerned; and j) promising or giving money or other materials to campaigners. Based on Article 69 PKPU No. 23/2018, the KPU should include hoax and hate speech content. Third, the supervisory institutions for election campaigns on social media are currently carried out by Bawaslu and Kominfo. If the content in the campaign leads to hate speech, hoaxes, and others as in Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions. During the quiet period, Bawaslu was only able to send a letter to the organizers of social media platforms to prevent hashtags or other uploads that smelled of campaigning. While the calm period itself only lasts for 3 (three) days, this is certainly less effective in preventing and preventing campaigning. Monitoring the existence of campaigns on social media during the quiet period. While Kominfo does have a search engine for account content that is still campaigning during the quiet period and can block or deactivate the culprit's account, its authority is limited in the ITE Law on content.

The problem of campaigning on social media during the quiet period, which until now has no legal instrument to regulate campaign violations during the quiet period on social media.

4. Conclusion

The role of social media in campaigning has had an impact in this modern era. First, there is no legal certainty for election participants in campaigning on social media. Second, there are no content restrictions in campaigning on social media. Third, the supervisory institution for campaigning on social media is still not focused.

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