

The Violation of Campaign Props Installation in 2019 Election in Pekanbaru

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Abstract

The holding of the 2019 Election is a historic event for the Indonesian Nation, because it is the first election that combines the Election of President and Vice President with the Legislative Election. Law Number 7 of 2017 concerning General Elections regulates the Campaign mechanism, one of which relates to the use of Campaign Props, yet the regulation in its implementation still violates the use of campaign props. With the interest of investigating this problem, this study used the research methodology in the form of sociological juridical research on primary data collected from field research. The results of this study showed the campaign props that violate the provisions of the legislation derived from installation, and some props are still installed even though the campaign period has finished. The solution of this research advocating the need for close supervision of the installation of campaign props and outreach for election participants and the winning team not to violate the provisions of the election law.

Keywords: *Election; Campaign; Campaign Props*

1. Introduction

The Republic of Indonesia is a democracy that is realized by holding a general election every 5 (five) years in the form of General Elections and Regional Head Elections (*Pemilukada*). The implementation of the General Election in 2019 is different from the General Elections in previous periods, the real difference being the simultaneous implementation of the Presidential Election (*Pilpres*) and the Legislative Election (*Pileg*).

The implementation of the General Election brings the consequences in the form of mobilizing all the good power and efforts to be able to win the hearts of the people, so that they get support at the time of the election. A most important moment is the period of introducing the candidates to make an introduction in the form of delivering a vision and mission to win voters' hearts during the campaign period. The simultaneous elections will be held on April 17, 2019, while the long campaign period will start from September 23, 2018 to April 13, 2019.

The regulation of campaign implementation has been regulated in Law Number 7 of 2017 concerning General Elections. As stated that the campaign according to Article 1 Paragraph (35) in the form of "Election Campaigns is the activities of election participants or parties appointed by election participants to convince the Voters by offering their vision, mission, programs and/or self-image of Election Contestants."

Law Number 7 Year 2017 explains that the implementation of the campaign is divided into several campaign methods as regulated in Article 275 Paragraph (1) in the form of:

- a. Limited Meeting
- b. Meet and Meet
- c. Dissemination of Election Campaign Material to the Public
- d. Installation of props in public places
- e. Social Media
- f. Print Media Advertisements, Electronic Mass Media and the Internet
- g. General Meeting
- h. Candidate Pair Debate about Candidate Pairs Campaign material

- i. Other activities that do not violate the prohibition of the Election Campaign and the provisions of the legislation.

Since the campaign phase began on September 23, 2018, the public began to be introduced to various candidates for President and Vice President, Prospective Members of the Regional Representative Council (DPD) and Candidates for Members of the House of Representatives (DPR) from the central, provincial and district/city levels. Candidates often use the campaign props to introduce themselves to the public in the hope of being elected.

The Campaign Props installed by Election contestants almost filled the roads throughout Indonesia, including the streets in Pekanbaru City. According to the type and hierarchy of statutory regulations, statutory regulations are made in a tiered and tiered manner as regulated in Article 7 Paragraph (1) of Law Number 12 of 2011 concerning the Formation of Laws and Regulations (Faridhi, 2017) Election Law is revealed in KPU regulations and Election Supervisory Agency Regulations. In addition to being regulated in Law Number 7 of 2017 concerning General Elections, the installation of campaign props is also regulated in legislation under the law, in the form of Election Commission Regulations (KPU Regulations) Number 28 of 2018 concerning Amendments to KPU Regulations Number 23 2018 concerning the General Election Campaign and also regulated in the Election Supervisory Body Regulation (*Bawaslu* Regulation) No. 28 of 2018 concerning Election Campaign Oversight.

Based on KPU Regulation Number 23 of 2018 concerning Election Campaign Article 32 Paragraph (2) includes Campaign Props consisting of:

- a. Billboards or videotrons
- b. Banners
- c. Pennant

The use of Campaign Props is regulated in addition to maintaining beauty and regularity so as to maintain conducive conditions in the community. There are several locations/installation points that are prohibited from installing Campaign Props such as in government circles, places of worship and places of education. However, it is still found by researchers, there are campaign props installed in places that are prohibited by statutory regulation.

In connection with the background above, the formulation of the problem in this study, as follows:

- a. How is the sanction applied to the use of campaign props based on Law Number 7 of 2017 in Pekanbaru City?
- b. What is the legal solution to violating the use of Campaign Props in the Election Campaign in Pekanbaru City?

2. Theoretical Perspectives

2.1 Research Method

This type of research is sociological legal research, namely by focusing more on the problems that arise and for that the researcher focuses on the discussion on the provisions of the law and see how the law is practiced in society. The nature of this research is field research or field research is direct research into the field.

The research location is Pekanbaru City. As for the population of this study are as follows:

- a. Pekanbaru City Election Commission
- b. Pekanbaru City Election Supervisory Agency
- c. Political parties
- d. Policy and Government Observer

Data sources in this study are:

- a. Primary data is the main data obtained by researchers through respondents or samples, this data can come from the public, KPU Pekanbaru City, Pekanbaru City Election Supervisory Board, Political Parties and Policy and Government Observers.
- b. Secondary data is data obtained from literature books that support the

subject matter discussed. Secondary data can be in the form of theses, theses, dissertations, journals, newspapers, papers, seminars, brochures, and others.

- c. Tertiary data, namely data obtained through dictionaries, encyclopedias, papers, and the like that function to support primary and secondary data.

To obtain relevant data to answer existing problems, the collection in this study uses the following tools:

- a. Observation

This method is done by field observations related to the research object.

- b. Interview

This method is carried out by direct interviews with respondents to obtain information or information relating to the control of campaign props at the 2019 election campaign stage.

- c. Literature review

The technique is carried out by the method of collecting data through literature that has a correlation with the problem being studied.

Researchers classify based on existing problems, then the data processing is performed. Furthermore, the data are analyzed qualitatively which are then revealed in descriptive qualitative language and sentences, namely providing an explanation of the problem and solving the problem posed systematically and thoroughly. The technique of inferring research data is used by the inductive method, which is drawing conclusions from statements that are specific to statements that are general in nature.

2.2 Literature Review

The campaign aims to attract the sympathy of a large number of voters who are in large locations, so the campaign requires large funds. This fund is used to finance various campaign activities: person-to-person meetings, dialogues in groups, mass meetings, posters, banners and

billboards, to advertising in mass media. Thus, the campaign includes four important elements: political parties and candidates, programs and issues, organizations, and funds (Tim Perludem, 2015). The use of such large funds has resulted in potential violations of the election, especially violations in the installation of campaign props can occur.

The use of campaign materials that occupy a significant position in the expenditure of campaign costs. Campaign material that is useful to promote the vision, mission and political promises that will be realized if elected. Campaign material as stated in Research conducted by Pramono Anung, the largest portion of campaign expenditure is props, consumption, transportation, witnesses, gifts (Pramono Anung, 2013).

In a study conducted by Adrian Faridhi and Tatang Suprayoga, that with regard to campaign materials in the Pelalawan District Election, KPU Regulation Number 7 Year 2015 concerning Campaigns was unable to anticipate potential problems that would arise during the campaign period, there was no review mechanism (verification) of the material and designs by the KPU used during the campaign period (Faridhi and Suprayoga, 2017).

According to research from Kurnia Perdana, that the use of billboards and banners alone can not be relied upon to deliver messages and function as a persuasive tool with millennials in Lampung Province (Perdana, 2019), explaining the campaign props used were apparently insignificant to the interest of the people millennial during the election.

Research on campaign props has been investigated by Sudi Fahmi et al, regarding the installation of props placed outside the location determined by the KPU in Indragiri Hulu Regency in the election of regent and deputy regent in 2015 (Sudi Fahmi, 2016). This study only focused on the violation of the installation of campaign props, the

difference with research conducted by researchers regarding the control of props in the quiet period.

3. Results and Discussion

The implementation of the 2019 general election went well, but at the stage of the campaign the duration was long enough to cause violations, especially related to the use of campaign props which had actually been regulated in the legislation. The efforts made by the Election Supervisory Board (*Bawaslu*) of Pekanbaru City are already good. Campaign props that were installed and violating the provisions of the legislation were taken down by the Election Supervisory Body, but not all campaign props were successfully removed because of the wide distribution of campaign props.

3.1 Imposing Sanctions against Violations of Use of Campaign Props

Elections are regulated in Law Number 7 of 2017 concerning General Elections, the General Election Commission (KPU) outlines implementing regulations in the form of KPU Regulations as implementing regulations for the Election Law. Pursuant to Article 1 Paragraph 28 of the Election Commission Regulation Number 23 of 2018 concerning General Election Campaigns: Campaign Props are all objects or other forms containing vision, mission, programs, and/or other information of Election Contestants, symbols or picture signs of Election Contestants, which was installed for the purpose of the Campaign aimed at inviting people to vote for certain Election Contestants.

Election Campaign, hereinafter referred to as Campaign, is the activity of Election Contestants or other parties appointed by Election Contestants to convince Voters by offering their vision, mission, programs, and/or self-image of Election Contestants. But in the implementation there are campaign props that do not meet the self-image requirements as regulated in Article 1 Paragraph 25 Bawaslu Regulation Number 25 Year 2018 concerning Election

Supervision, as follows: Self-Image is any props or other material that contains elements of the logo and/or pictures and serial numbers of Election Contestants.

In the implementation there are posters and banners that explain about the legislative candidates but do not mention the serial number or picture of political parties. However, the self-image displayed is similar to the campaign props. The gap contained in Article 1 Paragraph 25 of Bawaslu Regulation Number 25 of 2018 concerning Election Supervision is used by Election Contestants to display their self-image to be known to the public.

Teaching aids used by election participants are spread to attract voters to support presidential pairs or legislative candidates (DPD, DPR and Provincial and Regency/City DPRD). According to the Chairperson of Pekanbaru City KPU, Anton Merciyanto, that campaign props have been regulated in KPU regulations. Campaign props are used during the campaign period, while the campaign method itself is determined as stipulated in Article 23 Paragraph 1 of KPU Regulation Number 23 of 2018 concerning Election Campaigns. As follows:

- a. Limited meeting
- b. Face to face meetings
- c. Dissemination of Election Campaign Material to the public
- d. Installation of Campaign Props in public places
- e. Social Media
- f. Advertising of print media, electronic media, and online media
- g. General meeting
- h. Debate of the Presidential and Vice-Presidential Candidate Pair for the Election of President and Vice President
- i. Other activities that do not violate the prohibition of the Election Campaign and the provisions of the legislation.

Campaigns organized by election participants are overseen by the General Election Supervisory Body (*Bawaslu*) from

the Central to the village and Kelurahan level, based on Article 4 of Election Supervisory Agency Regulation No. 28 of 2018 concerning Election Oversight, as follows:

- a. Campaign Team Supervision;
- b. Supervision of campaign materials and/or utterances
- c. Campaign Monitoring which is prohibited
- d. Campaign Oversight is out of schedule
- e. Supervision of the reporting and broadcasting of Campaign Ads
- f. Campaign control by parties whose involvement is prohibited
- g. Supervision of money politics practices in the Campaign
- h. Supervision of limited meetings, face-to-face, dialogue, general meetings and candidate debates
- i. Supervision of the installation of Campaign Props and the distribution of Campaign Materials.

The use of campaign props is regulated in places where permitted and prohibited the installation of campaign props, based on an interview with H. Wan Agusti, SH., Who is the Executive Board of the Gerindra Party in Pekanbaru, stated that the Campaign Props have been regulated in number and installation points, this was done by the Team The winner who comes down to the field. This is one of the parts that became the duty of supervision by Bawaslu Officers as mandated by Bawaslu Regulations. Based on Article 34 of KPU Regulation Number 23 Year 2018 concerning General Election Campaign, as follows:

- (1) Campaign Props as referred to in Article 32 paragraph (2) shall be installed at the determined location.
- (2) The location for installing the Campaign Props as referred to in paragraph (1) is prohibited from being in:
 - a. places of worship, including courtyards
 - b. hospital or health service
 - c. government-owned buildings

- d. educational institutions (buildings and schools)
- (3) The location for installing the Campaign Props as referred to in paragraph (1) shall be determined by:
 - a. Decision of Provincial KPU/KIP Aceh for Campaign in provincial areas
 - b. Decision of Regency/City KPU/KIP for Campaigns in regency/city areas.
- (4) The location for installing the Campaign Props as referred to in paragraph (3) shall be determined after coordinating with the Regional Government.
- (5) Installation of Campaign Props as referred to in paragraph (1) shall be carried out by considering ethics, aesthetics, cleanliness, and beauty of the city or local area in accordance with the provisions of the legislation.
- (6) Installation of Campaign Props as referred to in paragraph (1) at a place that belongs to an individual or private entity must obtain the owner's permission.
- (7) Installation of Campaign Props as referred to in paragraph (1) shall be the responsibility of Election Contestants.
- (8) Campaign Props must be lowered or cleaned by the Election Contestants no later than 1 (one) Day before the Election Day.

Supervision carried out by Bawaslu on props is regulated in Election Supervisory Agency Regulation Number 25 of 2018 concerning Supervision of Election Campaigns in Article 25, as follows:

- (1) Supervision of the installation of Campaign Props in public places as referred to in Article 19 paragraph (1) letter d shall be carried out by ensuring:
 - a. Campaign Props which are printed and distributed in shapes and sizes in accordance with statutory provisions;
 - b. Designs and materials for Campaign Props that are printed and distributed by Election

- Contestants in accordance with the designs and materials for Campaign Materials submitted to KPU;
- c. Campaign Props which are facilitated by KPU, Provincial KPU, and/or Regency/City KPU in accordance with the designs submitted by Election Contestants;
 - d. There is a decision letter determining the maximum number of Campaign Props from the KPU, Provincial KPU, and/or Regency/City KPU; and
 - e. There is approval from KPU, Provincial KPU, and/or Regency/City KPU for the replacement of damaged Campaign Props in the same location and type of Campaign Props.
- (2) Installation of Campaign Props is not installed in:
- a. Places of worship, including courtyards
 - b. Hospital or health service
 - c. Government-owned buildings
 - d. Educational institutions.
- (3) Supervision as referred to in paragraph (1) shall be carried out by:
- a. Conducting direct supervision
 - b. Getting a copy of the decision letter stipulating the maximum number of Campaign Props
 - c. Getting a copy of the written approval letter from the KPU, Provincial KPU, and/or Regency/City KPU for the size and number of Campaign Props which are printed by Election Contestants
 - d. Getting a copy of the approval letter from the KPU, Provincial KPU, and/or Regency/City KPU for the replacement of damaged Campaign Props
 - e. Getting a copy of the minutes of submission of the Campaign Props

The supervisory function carried out by the Election Supervisory Body, based on an

interview with the Election Supervisory Board of Rumbai District of Pekanbaru City, Mr. Marwazi, SH, that campaign props installed and violating the statutory provisions are requested to be lowered by the election participants, but if they are not heeded, then the Election Supervisory Body takes decreases force against the campaign props in violation.

Regarding the procurement and distribution of campaign props, it is regulated in such a way as described in Article 73 of KPU Regulation Number 23 of 2018 concerning Election Campaigns, as follows:

- (1) Implementers and/or Campaign Teams are prohibited from printing and distributing Campaign Materials other than in the form and size as referred to in Article 30 paragraph (2) and paragraph (3).
- (2) Implementers and/or Campaign Teams are prohibited from printing and installing Campaign Props other than in the form and size as referred to in Article 32 paragraph (2) and paragraph (3) and at the location as referred to in Article 34 paragraph (3).

Related to sanctions that are regulated regarding campaign props contained in Article 74 of KPU Regulation Number 23 of 2018 concerning General Election Campaigns, as follows: Political Parties that violate the prohibition of Campaign provisions before the start of the Campaign period as referred to in Article 25 paragraph (1) and paragraph (2) administrative sanctions, in the form of:

- a. Written warning
- b. Decreasing or cleaning Campaign Materials or Campaign Props
- c. Termination of Campaign Ads in print media, electronic media, online media, social media and broadcast institutions.

Enforcement of legal sanctions for violations that occur in the regional head election campaign needs to be applied

strictly in accordance with the legislation in force for perpetrators who have been legally proven to have violated the law (Murary, 2018).

Campaign props used during the campaign must be reduced and cleaned according to the laws and regulations that govern them, but in the implementation until the voting day the props are still installed. This happened, because there were campaign props installed outside the specified location and campaign props installed by volunteers who were not communicated with the Election Participant winning Team.

Violation of visual aids is regulated in Article 78 Paragraphs 1 and 2 of KPU Regulation Number 23 of 2018 concerning General Election Campaign, as follows:

- (1) Implementers and/or Campaign Teams that violate the prohibition of provisions as referred to in Article 73 shall be subjected to administrative sanctions and the reduction or clearance of Campaign Material or Campaign Props of Election Contestants.
- (2) In carrying out the reduction or cleaning of Campaign Material or Campaign Props as referred to in paragraph (1), the Provincial Bawaslu, Regency/City Bawaslu, and/or District Supervisory Committees coordinate with the Civil Service Police Unit.

According to Aleksandra Yandra as a political observer and government of Lancang Kuning University, the use of campaign props also affects the political choices of voters, but the results are not significant. Because the use of campaign props is limited in number, this requires an active role of Bawaslu to monitor the distribution of campaign props.

3.2 Solutions

Problems in elections that often occur from one election to the next are one of them is a violation that occurred during the

campaign period in the form of a violation of campaign props. Regulations governing campaigns restrict the use of campaign props and limit the location of their installation, but in practice violations occur for violations that always occur.

Bawaslu has been vigorous in taking action against violations of the campaign props, but it is impressed that the supervisors carried out are still unable to totally stop the violations, but the steps taken by Bawaslu reduce the violations.

Strengthening the functions and roles of Bawaslu is one of the breakthroughs in overcoming campaign violations, and increasing public understanding and dissemination of election regulations to the public.

4. Conclusion

Based on the description above, it can be concluded as follows:

- a. Enforcement of sanctions against violations against the installation of campaign props does not run maximally, because the decrease in campaign props does not cause a red effect, so that after being disciplined, new campaign props are reinstalled.
- b. To overcome the problems that occur in the application of sanctions for violations of campaign props, in the form of widespread measures against campaign props and widespread socialization of regulations, so that election participants and volunteers are aware of the legal consequences that accompany them.

5. Suggestion

Suggestions that can be given in this study, as follows:

- a. Strengthening the role and function of Bawaslu accompanied by additional personnel
- b. Widespread socialization and in all walks of life on electoral regulations

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