



Legal Provisions Related to Election Campaigns: A Perspective on the Protection of Freedom of Speech

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Abstract

This abstract presents the idea that everyone has the right to free speech, with a particular emphasis on how that right is safeguarded in relation to laws pertaining to political campaigns. The freedom of speech is guaranteed by the 1945 Constitution. This abstract elucidates the impact of election campaign legislation on free speech through a legal examination. The purpose of this study is to provide an explanation for the changing legislative framework that controls political speech throughout the election process. Finding the limitations imposed on political campaigns and the degree to which they affect the fundamental right to free speech is the primary goal. The abstract analyses these rules while also assessing their effects on societal freedom of speech and democratization. This study highlights the moral and legal issues that underpin such agreements, offering a comprehensive understanding of the interplay between the law and free speech during political campaigns.

Keywords: Election Campaign; Election Law; Freedom of Speech.

A. Introduction

Elections are a recurring activity that are governed by the constitution in a democratic nation. In order to construct the nation, elections provide the people with the chance to voice their desires to politicians and candidates. As such, elections are an essential component of democratic life. Elections are also seen as a means of establishing democracy or a means of giving specific candidates the authority to represent the people in politics. Elections demonstrate that the people hold political power, that it is entrusted to the people's interests, and that the people hold elected officials accountable for their deeds. In generally, Elections are used as a gauge of democracy inside a nation and are viewed as a sign of democracy throughout. Campaigns are an integral part of the process and phases of elections.¹

There has occasionally been a major change in the political evolution of election law. Elections are regarded as the most tangible example of community involvement in state governance and as a tangible manifestation of democracy. Because of this, attention is nearly always directed toward the voting system and administration since it is only through careful design that a democratic government can be fully realized.² Of course, there is a campaign in every election, and every campaign needs to involve a lot of people. Participants in the election are using this general election campaign to showcase their programs, vision, and mission. The goal of this

¹ Patrick Corputty, 2020, "Masa Tenang Kampanye Politik Pada Media Sosial Dan Ketentuan Pemidanaanya", *Jurnal Belo*, 5(1), p. 111, <http://dx.doi.org/10.30598/belovol5issue1page110-122>.

² Evi Noviawati, 2019, "Perkembangan Politik Hukum Pemilihan Umum di Indonesia", *Jurnal Ilmiah Galuh Justisi*, 7(1), p. 76, <http://dx.doi.org/10.25157/jigj.v7i1.2139>.



campaign is to encourage more people to exercise their right to vote on election day.³

Before elections, campaigns are attempts by political actors or governments to develop political communication and present political promises and personalities to the public. Politics and communication are interdependent; that is, politics informs communication and communication informs politics. Politics and communication basically intersect and merge at two points: influence and discussion.⁴ Article 1 point (35) of Law Number 7 of 2017 concerning General Elections states that an election campaign is an activity carried out by candidates or parties nominated by candidates to persuade voters by presenting their vision, mission, program, and/or self-image (Republik Indonesia, 2017). A person, group of people, or political organization may engage in political campaign activities during a set period of time in an effort to win over the community's support for their cause.⁵

One of the human rights protected by the Constitution is the freedom of speech and opinion. The 1945 Constitution's Article 28E, paragraph (3), which states that "every person shall have the right to freedom of association, assembly, and expression," regulates the freedom of speech and opinion. This means that everyone's right to freedom of association, assembly, and speech is guaranteed by the 1945 Constitution. The exercise of this right may be governed and safeguarded by the state. The goal is to support citizens' active engagement as part of their rights and obligations in a democratic life, as well as to provide freedom of speech and legal protection. Freedom of speech is part of civil and political rights.⁶ In essence, each and every person has the right to free speech and active participation in politics with the goal of restricting the authority of the state to prevent infringement of individuals' rights.⁷

We may observe from the term "people power" or "public power" what has happened in the context of the protection of free expression following the 2019 presidential election. This is a result of popular demands for pro-people changes to the political structure, the government, and social and economic policies. In other words, people's power is a kind of national communal opposition or protest. The people voice their dissatisfaction with a government or regime when they believe it has broken the law or committed irregularities. As a result, many ask the president, who serves as the head of state, to resign. The People Power movement is an

³ Sulthoni, 2023, "Materi Kampanye Pemilu 2024 dan Metodenya", accessed on 13 December 2023, at 20:07 WIB, <https://tirto.id/materi-kampanye-pemilu-2024-dan-metodenya-gSHF>

⁴ Prof. Dr. Anwar Arifin. (2011). *Komunikasi Politik: FilsafatParadigma-Teori-Tujuan Strategi dan Komunikasi Politik Indonesia*. Yogyakarta: Graha Ilmu.

⁵ Insan Harapan Harahap, 2020, "Kampanye Pilpres 2019 Melalui Media Sosial dan Pengaruhnya Terhadap Demokrasi Indonesia", *Komunikologi : Jurnal Ilmiah Ilmu Komunikasi*, 17(1), p. 2, <https://doi.org/10.47007/jkomu.v17i01.234>.

⁶ Elfia Farida, 2021, "Kewajiban Negara Indonesia Terhadap Pemenuhan Hak Kebebasan Berpendapat dan Berekspresi," *Jurnal Ilmiah Ilmu Hukum QISTIE*, 14(2), p. 45.

⁷ Adrianus Bawamenewi, 2019, "Implementasi Hak Politik Warga Negara," *Jurnal Warta Dharmawangsa*, 13(3), p. 50, <https://doi.org/10.46576/wdw.v0i61.434>.



actualization of the people's movement to express ambitions in a democratic nation where the people hold the fullest degree of sovereignty.⁸

According to the Constitution, everyone has the right to free speech. Consequently, the Republic of Indonesia has the power to enact laws and see to it that they are upheld because it is a nation founded on the ideas of democracy and the rule of law. The right to free speech can be exercised through a range of mediums, such as writing, books, discussions, articles, and numerous cutting-edge IT platforms. Nonetheless, each community naturally does not exclude the need to be accountable for all acts in compliance with relevant legal provisions in order to uphold this community's rights.⁹ All societal strata are entitled to the freedom of speech guaranteed by the 1945 Constitution. This freedom of speech is paramount in the operation of the government, even in democratic and liberal states, but it must stay inside the bounds of the law.¹⁰

The primary legal basis for the exercise of freedom of speech in Indonesia is the 1945 Constitution (UUD 1945). It holds the top spot in the legislative hierarchy and acts as the main point of reference for all national regulatory frameworks. The freedom of speech is guaranteed by the 1945 Indonesian Constitution, which permits people to freely express their opinions and take part in artistic pursuits. The passage of Law No. 9 of 1998, which expressly governs the right to free speech in public spaces, strengthened this fundamental provision even more.¹¹

B. Method

In conducting this research, the research uses a type of normative legal research by analyzing various regulations and also previous studies. Normative legal research is legal research conducted on primary and secondary legal materials.¹² The legal sources used are primary legal materials in the form of statutory regulations and secondary legal materials in the form of books, articles, magazines and so on. By adopting a literature approach to analyze regulations as well as practical implementation reflected in cases, this research incorporates the following steps: Analyze the legal provisions governing election campaigns in Indonesia. Analyzing

⁸ Muhamad Iqbal Susanto, 2019, "Kedudukan Hukum People Power dan Relevansinya dengan Hak Kebebasan Berpendapat di Indonesia", *Volksgeist*, 2(2), p. 226, <https://doi.org/10.24090/volksgeist.v2i2.2844>.

⁹ Flavia Tanaya Chandra, Irawati, Shindy Natalia Litani, Juwi Sonia and Elvira Fitriyani Pakpahan, 2023, "Aspek Kebebasan Berpendapat Menurut Hukum Positif untuk Meminimalisir Penyebaran Berita Bohong (Hoax) Menjelang Pemilihan Umum di Indonesia", *Jurnal Interpretasi Hukum*, 4(2), p. 360, <https://doi.org/10.55637/juinhum.4.2.7821.358-366>.

¹⁰ Nuna, M. & R. M. M. (2019). Kebebasan Hak Sosial-Politik dan Partisipasi Warga Negara Dalam Sistem Demokrasi di Indonesia. *Jurnal Ius Constituendum*, 4(2). p. 110, <http://dx.doi.org/10.26623/jic.v4i2.1652>.

¹¹ Nur Cholis Majid, (2020). "Hak Warga Negara Dalam Menyampaikan Pemikiran Secara Bebas Menurut Pasal 5 Undang-Undang No. 9 Tahun 1998 dan Maqhasid Al- Syariah". Malang: Fakultas Syariah Universitas Islam Negeri Maulana Malik Ibrahim Malang.

¹² Soerjono Soekanto, Penelitian Hukum Normatif Suatu Tinjauan Singkat, Jakarta: Rajawali Pers, 2013, p. 13.



the impact of violations of legal provisions related to election campaigns on freedom of speech.

C. Result and Discussion

Elections to choose representatives of the people for the legislative and executive branches of government based on the policies put forth by the candidates are one of the hallmarks of a democratic nation. One of the ways to implement the popular sovereignty idea is through elections.¹³ This isn't just about giving the people in power some credibility; it's also about really implementing a government that represents the will of the people. Elections are a crucial factor in a democracy for at least two reasons, according to Adam Pzekowski (1988). Initially, elections serve as a peaceful means of transferring political power. According to the definition, a person or political party does not legitimately hold power if they are the result of violent means; rather, they are legitimately in power because they have won the votes of many voters in free and fair elections. Second, confrontations are necessary for democracy to function, as it grants individuals autonomy.¹⁴ The definition of election campaigns is briefly addressed in the legal provisions pertaining to election campaigns mentioned in Article 267:¹⁵

- 1) Election campaigns are appropriately conducted and are a component of public political education.
- 2) The campaigns for the offices of the DPR, DPD, and DPRD are held concurrently with the campaigns for the presidency and vice presidency.

The campaign's executors and participants are outlined in Article 268:

- 1) The campaign organizer oversees running the election campaign.
- 2) Those involved in campaigns follow the campaigns for elections.

Next, each candidate pair's national campaign team and campaign organizer are described in article 269:

- 1) The administrators of the proposing political party or association of political parties, individuals, and organizations arranging activities that are designated by the participants in the presidential and vice-presidential elections constitute the executor of the presidential and vice-presidential election campaign.
- 2) Candidate Pairs organize into a national campaign team to conduct the presidential and vice-presidential election campaigns.

¹³ Janedjri M. Gaffar, 2012, *"Politik Hukum Pemilu"*, Jakarta: Konstitusi Press, p. 44.

¹⁴ Irwan Anjalline, R.A. Rini Anggraini and Rosita Indrayati, 2014, "Pengaturan Dana Kampanye Pemilihan Umum Sebagai Tanggung Jawab Calon Anggota Legislatif Berdasarkan Undang-Undang Nomor 8 Tahun 2012 Tentang Pemilihan Umum Anggota Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, Dan Dewan Perwakilanrakyat Daerah", *e-Journal Lentera Hukum*, 1(1), p. 45, <https://doi.org/10.19184/ejlh.v1i1.564>.

¹⁵ Dwi Arjanto, 2022, " Begini Aturan Kampanye Politik Menurut UU Pemilu", Accessed on 02 January 2024 at 22:32 WIB, https://nasional.tempo.co/read/1673390/begini-detail-aturan-kampanye-politik-menurut-uu-pemilu?page_num=2



- 3) As mentioned in paragraph (2), Candidate Pairs will work with the proposed political party or Joint Political Party to establish the campaign team for the Presidential and Vice-Presidential Elections.
- 4) The Presidential and Vice-Presidential Election Campaign Team mentioned in paragraph (2) oversees overseeing the technical execution of the campaign in addition to planning all campaign-stage events.

One of the fundamental human rights protected by the constitution is the ability to participate in political parties and serve as an administrator. This has to do with the active participation of citizens in the government to keep it from becoming arbitrary by limiting its power. Article 28E, paragraph (3) of the 1945 Constitution provides that "Everyone has the right to freedom of association, assembly, and speech." This right is used through the formation of political groups and community organizations. Based on the ideas of equality and freedom, every democratic nation must include provisions in its constitution for the active participation of the populace in governance. This indicates that one indicator of a nation's application of democratic principles is the freedom of speech one's ideas and beliefs. That "sovereignty is vested in the people and exercised in accordance with the Constitution" is stated in Article 1(2) of the 1945 Constitution, which lays out the fundamentals of democracy.¹⁶

1. The Legal Provisions Regulate Election Campaigns in Indonesia;

In essence, General Elections reflect the democratic system that has been embraced by many nations worldwide. A symbol of the popular sovereignty principle, which forms the basis of all democratic ideals, are general elections. In the sense that democracy demands that all choices made about how the state is run be made in accordance with the wishes of the people and entirely for their benefit. The Republic of Indonesia's 1945 Constitution, which stipulates that "sovereignty is vested in the people and exercised according to the Constitution," is meant to be represented in the Indonesian context through the adoption of direct elections.¹⁷

The goal of law enforcement is to ensure that the rule of law, which serves as a set of normative guidelines governing and binding legal subjects in all spheres of society and the state, is properly implemented, applied, and enforced against any violations or deviations from the law committed by legal subjects. This can be done through judicial processes, alternative dispute resolution arbitration procedures, or law enforcement activities pertaining to all activities. Because of the rule of law, all attitudes, policies, and behaviors of the populace and the governmental machinery must be grounded in the law. In the same way, issues concerning the criminal prosecution of election law and regulation violations or irregularities through the involvement of law enforcement officials from the Election Supervisory Body (Bawaslu), the General Election Commission (KPU), the Police, the Prosecutor's

¹⁶ Marindra Agriawan, R. Sigit Widiarto, 2023, "Netralitas Pegawai Negeri Sipil Dalam Pemilihan Umum Ditinjau dari Perspektif Hak Asasi Manusia", *Jurnal Kewarganegaraan*, 7(2), p. 2438, <https://doi.org/10.31316/jk.v7i2.5810>.

¹⁷ Ach. Khoiri, 2017, "Kontrol Politik Kyai dan Blater dalam Pelaksanaan Pemilu; Kajian Kelemahan Ketentuan Hukum Pemilu Menghadapi Rezim Kembar Politik di Madura", *Voice Justisia Jurnal Hukum dan Keadilan*, 1(2), p. 134.



Office, the Court, and the Correctional Institution (LP) are also related to these activities.¹⁸

Articles 267 through 339 of Law No. 7/2017's CHAPTER VII on Election Campaigns regulate the way in which candidates carry out their campaigns. As stated in Article 280 paragraph (1) of Law No. 7 Year 2017, one of the regulations prohibits or restricts certain activities during the campaign. Specifically, it prohibits making fun of another participant on the basis of their ethnicity, religion, race, or class (SARA). There will be criminal consequences if these clauses are broken.¹⁹

According to the practice of organizing elections thus far, a number of factors have contributed to the emergence of these electoral law enforcement issues. These include: (1) unclear boundaries surrounding the occurrence of violations, which can lead to conflicting interpretations; (2) unclear mechanisms and procedures for handling violations, making handling difficult; (3) underprepared election law enforcement agencies, making them unable to handle cases that arise; and (4) very light legal sanctions for violations, which do not have a deterrent effect.²⁰

Four checklists are proposed by International IDEA for the substance of the legal framework that would oversee the conduct of elections in order to guarantee the upholding of these values of the international rule of law:²¹

- a) Does the enforcement of election rules and regulations have access to efficient legal channels and remedies?
- b) Do election rules and regulations specify exactly who may report an election law and regulation violation? Does it also explain how to file these kinds of complaints?
- c) Is it possible to appeal an EMB decision to a court of competent jurisdiction under electoral rules and regulations?
- d) Are there time constraints for filing, reviewing, and deciding how to resolve legal complaints according to election rules and regulations?

The implementation of elections must take into consideration the 15 international standards of democratic elections in order to attain high electoral quality. The planning, implementation, and evaluation phases of electoral management are when these 15 criteria are operationalized. Planning responsibilities include setting up the legal framework, choosing the electoral system, creating the EMB, and budgeting. Implementation responsibilities include voter registration, participant registration, campaigning, voting, and vote counting. Evaluation responsibilities

¹⁸ Achmad Sulchan, 2014, "Rekonstruksi Penegakan Hukum Terhadap Perkara Pidana Pemilihan Umum Berbasis Nilai Keadilan", *Jurnal Pembaharuan Hukum*, 1(3), p. 351.

¹⁹ Denico Doly, 2020, "Penegakan Hukum Kampanye Hitam (Black Campaign) Di Media Sosial: Pembelajaran Pemilihan Umum Presiden Tahun 2019", *Kajian*, 25(1), p. 2, <http://dx.doi.org/10.22212/kajian.v25i1.1885>.

²⁰ Topo Santoso, (2006), "Penegakan Hukum Pemilu Praktik Pemilu 2004. *Kajian Pemilu 2009-2014*", Jakarta: Perludem. P. 46.

²¹ International IDEA, 2004, "Standar-standar Internasional Pemilihan Umum: Pedoman Peninjauan Kembali Kerangka Hukum Pemilu", Jakarta: International IDEA, p. 103.



include media access and monitoring. Three system mechanisms govern electoral justice, specifically:

- a) Formal or corrective mechanisms: if they were put into place, they would lead to a decision that would either invalidate, rectify, or identify flaws in the electoral process (e.g., filing and processing electoral challenges).
- b) Punitive or punitive procedures, such as those applied to criminal offenses: if put into place, these mechanisms would impose penalties on the offender, the organization that caused the irregularity, and the person who caused it, including criminal or administrative liability in connection with the election; and.
- c) The parties to the dispute may select alternative processes.

Thus, it may be said that the electoral justice system offers procedures designed to rectify inaccuracies, oversights, or even instances of fraud that transpire during the voting process. In the event of mistakes or fraud, these procedures have a significant impact on preserving the validity of elections.²²

It is clear from this that law enforcement involves more than just putting laws into effect, even though this is exactly the tendency in Indonesia. Rather, the primary issue with law enforcement is the variables that could have an impact on it. These elements consist of the following:²³

- a) The legal element by themselves, which is confined by the law.
- b) Law enforcement elements, or those who create and implement laws.
- c) Infrastructure and facilities that aid in law enforcement.
- d) Community factors, or the setting in which the legislation is implemented or applies.
- e) Cultural elements, specifically as a result of taste and copyright derived from the relationship of life with human nature.

Since the five elements represent the foundation of law enforcement and serve as a gauge for its efficacy, they are inextricably linked to one another. According to Mertokusumo, who was cited by Sajipto Rahardjo, law enforcement is the process of enforcing the law; hence, legal certainty, expediency, and fairness are all important factors in law enforcement.²⁴

2. The Impact of Violations of Legal Provisions Related to Election Campaigns on Freedom of Speech.

The constitution guarantees every person the freedom to free speech from the moment of their birth. As a democratic and law-abiding nation, Indonesia is

²² Muhammad Nur Ramadhan, 2019, "Evaluasi Penegakan Hukum Pidana Pemilu dalam Penyelenggaraan Pemilu 2019" *Jurnal Adhyasta Pemilu*, 2(2), p. 120, <https://doi.org/10.55108/jap.v2i2.12>.

²³ Soerjono Soekanto. (2011). *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*. Jakarta: PT. Rajagrafindo Persada.

²⁴ Sajipto Rahardjo. (1986). *Ilmu Hukum*. Bandung: Cetakan Kedua Alumni.



qualified to control and safeguard its execution. Article 28 E paragraph (3) of the 1945 Constitution's fourth amendment governs the freedom of speech and thought. It states that everyone has the right to freedom of association, assembly, and speech. This includes the most essential right in a state's existence, which is the freedom of opinion. As a legal state, Indonesia undoubtedly has several laws that defend human rights. The freedom of speech is one of the rights, and it belongs to every Indonesian, regardless of race, religion, or origin. There are several ways to exercise one's right to free speech. For instance, by writing, books, talks, or media appearances. A country's regard for freedom of speech and thought increases with its level of maturity.²⁵

Before the first session of the Universal Declaration of Human Rights was adopted, freedom of speech was a fundamental component of democracy. The UN General Assembly had previously stated in Resolution 59 that "the right to information is the standard fundamental human right of all freedoms declared 'sacred' by the United Nations". The ability of the people to successfully exercise their rights, including the ability to vote and participate in the creation of public policy, depends on their ability to express themselves freely. When citizens are unable to freely voice their thoughts or pursue their goals, it is considered that a nation's democratic process is failing and may eventually result in the establishment of an authoritarian regime.²⁶

The primary goal of the United Nations (UN) since its founding in 1945 – which was preceded by the drafting of the Universal Declaration of Human Rights (UDHR) – is to uphold international peace and security. The universal understanding of all peoples on the inalienable rights of every human being is outlined in the Universal Declaration of Human Rights. The Declaration's core idea is that freedom, justice, and international peace stem from the recognition of each and every member of the human family's inherent dignity and unalienable rights. These rights cover things like the freedom of speech, equality before the law, the right to a respectable living, and many more.²⁷ "Everyone has the right to freedom of speech and thought; this includes freedom to hold opinions without interference and to seek, receive, and impart information, information and opinions by any means and regardless of frontiers," reads an article of the Declaration of Human Rights on the subject of freedom of opinion and speech.²⁸

One of the primary types of human rights is the freedom of speech. It belongs to the first group of human rights, which are rights having a civil-political component. One of the earliest human rights declarations, the French Declaration of the Rights of Man and Citizen of 1789, contains this category of rights (art. 11). Despite being

²⁵ Della Luysky Selian and Cairin Melina, 2018, "Freedom of Expression in the Era of Democracy: Records of Human Rights Enforcement", *Lex Scientia Law Review*, 2(2), p. 190.

²⁶ Rahmanto, T. Y, 2016, "Kebebasan Berekspresi Dalam Perspektif Hak Asasi Manusia: Perlindungan, Permasalahan dan Implementasinya di Provinsi Jawa Barat", *Jurnal Hak Asasi Manusia*, 791), p. 48.

²⁷ Lukitasari, D, 2013, "Freedom Of Speech In Cyberspace In Human Rights Protection Perspective". *International Journal of Busines, Economics and Law*, 2(3), p. 80.

²⁸ Universal Of Human Rights (Deklarasi Hak Asasi Manusia).



'not' as fundamental as the freedom of religion and belief, the right to life, and the right to be free from torture, the right to speech has always been the primary defender of fundamental human rights and can still be curtailed.²⁹

When the General Election Commission's operational regulations depart from the legislation, it usually has a significant impact or presents a critical issue during the campaign phase. Election supervisors play a crucial role in confusing campaigns and complicating law enforcement activities. Furthermore, the government's late announcement of laws regarding official leave and the use of state facilities for campaigning interfered with the process of getting ready to hold elections in the field. While this prevented many state officials from campaigning because their leave letters had not yet been issued, it also meant that state officials from some parties might manipulate the rule prohibiting the use of facilities with ambiguous legal references.³⁰

Freedom of expression may be severely impacted by breaking laws pertaining to political campaigns. Every citizen has the fundamental right to freedom of speech, which allows them to engage in political discourse and express their opinions and ideas. Nonetheless, regulations are in place to preserve a fair electoral process and grant equal rights to all candidates during election campaigns.³¹

The following are some potential effects on freedom of speech that may result from breaking laws pertaining to political campaigns:³²

- a) **Inequality of Opportunity:** Candidates or political parties may have unequal opportunities because of campaign rule violations. This could negatively impact unelected participants' freedom of speech by impeding equitable access to the media, campaign funding, or other venues.
- b) **Public Opinion Distortion:** Public opinion may be unjustly influenced by violations. Voters may become biased or develop misconceptions as a result, for instance, of illegally disseminating misleading information or engaging in smear campaigns.
- c) **Mistrust in the Democratic Process:** People's faith in the democratic process may be damaged by violations. Voters' and the public's confidence in the political process and free speech in general may suffer if they feel that a campaign is unfair or that there are anomalies.

²⁹ Effendi, M., & Evandri, T. S. (2014). HAM Dalam Dinamika/Dimensi Hukum, Politik, Ekonomi, Dan Sosial.

Bogor: Ghalia Indonesia.

³⁰ Topo Santoso, 2006, *"Penegakan Hukum Pemilu Praktik Pemilu 2004. Kajian Pemilu 2009-2014"*, Jakarta: Perludem. P. 74.

³¹ Sarbaini, 2015, "Demokratisasi dan Kebebasan Memilih Warga Negara Dalam Pemilihan", *Jurnal Inovatif*, 8(1), p. 109-110.

³² Danang Sugihardana, Muhammad Hamam Firdaus and Nabila Rahmawati Rama, 2023, "Tinjauan Yuridis Kampanye yang dilakukan Secara Online pada Kampanye Pemilu 2024", *Prosiding Seminar Nasional Program Doktor Ilmu Hukum Ums 2023*, p. 96-97.



- d) Criminalization and Speech Restrictions: Unlawful actions associated with political campaigns may result in legal action being taken against the offenders. It should be highlighted, nevertheless, that if properly controlled, such legal action may occasionally be abused to stifle free speech.

It is crucial to remember that to preserve justice and the smooth operation of the democratic process, some limitations on the right to free expression may be justified during election campaigns. Nonetheless, close examination is necessary to prevent misuse of authority or infringement on citizens' fundamental rights.

D. Conclusion

This essay discusses the laws pertaining to political campaigns, emphasizing how they safeguard free expression. It is clear from examining several facets of the legislation that it is essential to safeguard free expression when it comes to political campaigns. Legislative efforts should be focused on promoting democracy and voter involvement, even though there are certain restrictions to ensure justice and balance. This conclusion highlights how crucial it is to strike a balance between the laws required to protect free speech from abuse and making sure that people's basic rights to free expression are upheld and strengthened during political campaigns.

The idea of the freedom of speech necessitates taking into account the duty to preserve social equilibrium at the same time. This necessitates acknowledging the obligations attached to any action that can have an impact on members of society, underscoring the significance of raising knowledge in this area. In Indonesia, there are two main methods to express your opinions: verbally and in writing. The 1945 Constitution serves as the legal foundation for free speech in Indonesia. With the advent of digitalization, a regulation known as "cyberspace law," namely Law No. 19 of 2016 in conjunction with Law No. 11 of 2008 (ITE Law), has emerged.

Essentially, it is important to consider election campaigns as an expression of the fundamental right to free speech guaranteed by the constitution. The freedom of speech of candidates, political parties, and the public to communicate their thoughts, ideas, and programs should be adequately protected by the law. In the context of political campaigns, speech restrictions must be reasonable and consistent with democratic ideals. Election-related laws must be transparent and cannot be abused to restrict free expression without justification. To maintain fairness and the viability of the democratic process, it is likewise crucial that election campaign regulations be consistently enforced by law enforcement.



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