

Legal Perspective on the Negative Virtual Campaign: Case Study of the President General Election In 2019

Rian Rahadian, Nandang Sambas, Yopie Gunawan
Singaperbangsa Karawang University

ABSTRACT

The 7th Presidential Election in 2019 has passed, but in its implementation there are still many problems, especially in virtual campaigns that are circulating both on websites, social media and on chat applications. Websites, social media and chat applications have changed their use, one of which is as a place to conduct political activities (campaigns). The rules regarding virtual campaigns are in various laws and regulations. Even though there are already established rules, there are still many campaign frauds on websites, social media and on chat applications. The problems in this paper are, what are the factors that make virtual campaigns good and bad on websites, social media and in chat applications and how to overcome black campaigns on websites, social media and on chat applications. The factors that make virtual campaigns good and bad on websites, social media and on chat applications, namely, the absence of statutory regulations that clearly and firmly regulate virtual campaigns, law enforcement lacking personnel and expertise in virtual law enforcement campaigns, facilities and limited facilities, and the culture of the people who do not understand with certainty about websites, social media and chat applications, especially in the ITE law. Countermeasures are by passing laws or special regulations regarding virtual campaigns.

KEYWORDS: legal perspective, virtual campaign; social media.

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I. PRELIMINARY

Election (Election) in 2019 was the first election organized by the Indonesian state simultaneously at the same time that presidential election, legislative elections (Pileg), and Election DPD. The 2019 Election has been completed, even though its implementation has attracted a lot of public attention. The Association for Elections and Democracy (Perludem) said one thing that attracted enough attention at the time of the 2019 Election, namely in the virtual campaign, there were lots of hoaxes circulating.¹ The problem with the implementation of the 2019 Election was also added to the many circulation of black campaigns, especially in negative virtual campaign that were shown to bring down opponents. Negative virtual campaign are carried out through websites, social media and chat applications.

In Article 1 paragraph 35 of Law Number 7 of 2017 concerning General Elections (Law No.7 of 2017) states that the Election campaign is the activity of election participants or other parties appointed by election participants to convince voters by offering a vision, mission, programs, and / or self-image of election participants. In this Law, there are 2 (two) pairs of presidential and vice-presidential candidates in the 2019 General Election, namely Joko Widodo who is paired with Ma'aruf Amin with serial number 01 and Prabowo Subianto who is paired with Sandiaga Uno. with serial number 02. The two pairs of presidential and vice presidential candidates are scheduled to campaign on September 23 2018 to April 13 2019.

The campaign implementation process carried out by Election participants has been regulated in CHAPTER VII concerning Election Campaigns which contain from Article 267 to Article 339 of Law No. 7 of 2017. One of the regulations contains restrictions and prohibitions in campaigning, as regulated in Article 280 paragraph (1) point c of Law No. 7 of 2017, namely regarding the prohibition of insulting a person, religion, ethnicity, race, class, candidates and / or other Election Contestants. If these regulations are violated, then criminal sanctions will be given.

In connection with the current Virtual Campaign it has not been regulated clearly and firmly in Law no. 7 Year 2017 Wirnyaningsih say that there is a definition that regulate or define any of the virtual campaign and the smear campaign, though implicitly, law enforcement negative virtual campaign can be interpreted broadly (extensive legal interpretation) of Article 12 c No. 7 of 2017 which states that the KPU compiles KPU

¹ Ameidyo Daud, Perludem Identification of Five Election Problems 2019, 2019, (online), (<https://katadata.co.id/berita/2019/04/24/perludem-identification-five-problems-election-2019>, accessed 7 October 2019)

Regulations for each stage of the Election which one of the norms in it, namely concerning the prohibition of negative virtual campaign.² In addition, Article 12 letter 1 states that the KPU can carry out other tasks in the Election in accordance with the provisions of laws and regulations, one of which is the interpretation of the legal provisions of the intended statutory regulations to find a basis for virtual campaign (Virtual Campaign). The term virtual campaign (Virtual Campaign) is used in Indonesia to refer to activities known as campaigns which are implemented virtually (online). As for what is included in the virtual campaign activities (Virtual Campaign) according to Law no. 7 of 2017 relates to possible violations of the code of ethics of Election administration, violations of Election administration, election disputes, and election crimes.³ In contrast to what Wirdyaningsih meant, Alfred B David Dodu said that the black campaign in the virtual campaign (Virtual Campaign) was aimed at insulting and spreading false news, slander, or aimed at bringing down certain candidates.⁴

The number of violations in the virtual campaign (Virtual Campaign) occurred during the 2019 Election, which befell both the presidential and vice presidential candidate pairs in the 2019 Election. Presidential and Vice Presidential candidate pair number 01 has been rumored that if elected there will be no a d z a n if elected or the Indonesian Communist Party (PKI) will rise again when elected.⁵ As for the offense virtual campaign (Virtual Campaign) have experienced candidate number 02 in the form of the issue of scandal made Uno Uno relationships with three women and the issue of the circulation of paper money are stamped circle labeled Prabowo: knight Piningit, Heru chakra fair queen.⁶ These violations were committed by individuals using cyberspace such as websites, social media (Facebook, Twitter, Instagram, etc.) and messaging applications (Whatsapp, messenger, etc.).

Currently, social media changes the way people perceive social life. Soerjono Soekanto as quoted by Dikdik M. Arief Mansur said that advances in the field of technology will run with the emergence of changes in the social sector, especially in the areas of social values, social principles, behavior patterns, organizations and the composition of social institutions.⁷ Based on Soerjono Soekanto's opinion, it can be said that advances in information technology will have an impact on both positive and negative.

The Ministry of Communication and Informatics (Kemenkominfo) in the period August 2018 to February 2019 identified there were 181 virtual negative campaigns related to political issues whose contents attacked presidential candidate pairs (candidates) and vice presidential candidates (cawapres) serial number 01 and serial number 02.⁸ The hoax content identified by the Ministry of Communication and Information in this paper can be categorized as a negative virtual campaign because it contains slander against the presidential and vice presidential candidates number 01 and number 02. negative virtual campaign conducted in cyberspace, especially social media, are often not revealed, because the actors who create and distribute the content containing the black campaign are hard to find. In addition, the borderless nature of cyberspace causes juridically, in terms of cyber space, it cannot categorize something with conventional legal standards and qualifications to be used as objects and actions.⁹

Based on the foregoing, the authors are interested in conducting research with the title **Legal Perspectives Regarding Virtual Campaigns : Case Studies for the 2019 Presidential Election.**

² Law.ui.id, Black Campaign Issues in General Elections: Interview with Wirdyaningsih SH MH, 2014, (online), (<https://law.ui.ac.id/v3/permasALAH-black-campaign-in-elections-general-interview-with-wirdyaningsih-shmh/>), accessed October 7, 2019).

³ *Ibid.*

⁴ Alfred B. David Dodu, The Implementation of Black Campaign Political Regulations: A Case Study in the 2015 Regional Election of Banggai Regency, in the Journal of Political Discourse. Volume 2 Number 1 March 2017, p. 53

⁵ Dian Apriliana, Rows of Black Campaigns Referring to Jokowi in the Presidential Election, 2019, (online), (<https://www.idntimes.com/news/indonesia/dian-apriliana/deretan-kampanye-hitam-yang-refer-to-jokowi-in-presidential-election/>), accessed October 7, 2019).

⁶ CNN Indonesia, Black Destroyer Democracy Campaign and Voter sight of worries, 2019 (online), (<https://www.cnnindonesia.com/nasional/20190226162906-32-372779/campaign-black-vandal-democracy-and-aiming-voter-upset>), accessed October 7, 2019).

⁷ Dikdik M. Arief Mansur and Elisatris Gultom, Cyber Law: Legal Aspects of Information Technology, Bandung: Refika Aditama, 2005, p. 3.

⁸ *Ibid*

⁹ Ahmad M. Ramli, Cyber Law and HAKI in the Indonesian Legal System, Bandung: Refika Aditama, 2010, p. 1-3.

II. RESEARCH METHODOLOGY

This paper uses a normative legal research methodology. Research normative law that research law committed against Flood 's primary and secondary law.¹⁰ The source of law that is used is the primary legal materials y ang form of legislation da n secondary legal materials such as books, articles, magazines and so forth. All types of approaches used in this paper are the statutory approach.

III. DISCUSSION

Based on Article 167 paragraph (4) of Law no. 7 of 2017 concerning the implementation of elections states that one of the stages of holding the election is the Election Campaign period. Election Campaign is defined as the activity of election participants or other parties appointed by the Election Contestants to convince voters by offering the vision, mission, programs and / or self-image of the Election Contestants.¹¹ In addition, the election campaign is intended as part of political education ber of society who carried bertanggung g charge.¹² As stated in Article 267 paragraph (1) of the Act N o. 7 of 2017 states that the Election campaign is carried out responsibly. It means that there are rules and sanctions -sanksi that follow when the election campaign was conducted outside the rules or norms prevailing in society. Election Campaign of course ha rus have the materials campaigns will be expressed either in the form of visual and sound. Campaigns on social media are widely used by election participants. Article 275 paragraph (1) of Law no. 7 of 2017 has a new substance that has not been regulated at all in Law Number 10 of 2008 concerning General Elections for Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council (Law No.10 of 2008) and Law Number 42 Year 2008 concerning the Presidential and Vice-Presidential Election (Law No. 42 of 2008). The new substance is about the implementation of the Election campaigns carried out by election participants through social media. Election campaigns through social media are not recognized in Article 38 of Law no. 42 of 2008 and Article 81 of Law no. 10 of 2008. Article 275 paragraph (1) of Law no. 7 of 2017 shows that the electoral law has started to adopt a technology shift in the implementation of elections, especially those related to campaigns.

In addition, the General Election Commission (KPU) has stipulated KPU Regulation Number 23 of 2018 concerning the General Election Campaign (PKPU No. 23 of 2018). PKPU No. 23/2018 organizes campaigns through social media whose material contains at least the visions, missions and programs of election participants.¹³ In addition, PKPU also requires that every official social media account created by election participants be registered with the local KPU or KPU.¹⁴ Based on Law no. 7 of 2017 and PKPU No. 23 of 2018, it can be said that there is recognition from legislators and election organizers that social media is a medium for election participants in carrying out campaign activities and social media can greatly contribute to the success of the election. Social media is a place for the dissemination of information, both positive and information which is not necessarily true (confirmed).

The Telematics Society (Mastel) conducted research in 2017. The study found that many negative virtual campaign disseminated via the site 's website by 34,90 %, application chats (WhatsApp, Line, Telegram etc) amounted to 62.80%, and through social media (Fa cebook, Twitter, Instagram, Path , etc.) equal to 92.40%.¹⁵ Based on this research, it can be said that social media is widely used to broadcast negative content by irresponsible people. In addition, the Indonesian Internet Service Providers Association (APJII), in 2018 stated that the number of internet users in Indonesia had reached 171.17 million people. This figure is equivalent to 64,8 % of the total population of Indonesia, which amounted to 264.16 million.¹⁶

When referring to the Final Voters List (DPT) established by the General Election Commission (KPU), which is 190,779,969 voters,¹⁷ it can be said that around 89.7% of voters access the internet. The existence of the internet is the key in implementing the General Election. However, the existence of this internet has resulted in black campaigns becoming increasingly prevalent in the implementation of the General Election. This shows

¹⁰ Soerjono Soekanto, Normative Legal Research A Brief Overview, Jakarta: Rajawali Pers, 2013, p. 13.

¹¹ Article 1 number 35 Law no. 7 of 2017

¹² Article 267 paragraph (1) of Law no. 7 of 2017

¹³ Article 35 paragraph (3) KPU Regulation Number 23 of 2018 concerning General Election Campaigns

¹⁴ Article 36 paragraph (1) KPU Regulation Number 23 of 2018 concerning General Election Campaigns

¹⁵ Christiany Juditha, Hoax Communication Interactions in Social Media and Their Anticipation, in *Pekommas Journal* , Volume 3 Number 1 April 2018, p. 32.

¹⁶ CNCBIndonesia, Survey of Internet Usage in RI Transcends 171.17 Million People, 2019, (online), (<https://www.cncbindonesia.com/tech/20190516191935-37-73041/survey-internet-user-in-ri-translucent-17117-million-people>, accessed October 13, 2019)

¹⁷ Dwi Andayani, KPU DPT General Election Results Increase to More 192 Million People ?, 2019, (online), (https://news.detik.com/berita/d-4501983/kpu-dpt-pemilu-hasil-perbaikan-bertambah-jadi-192-milllion-orang-lmore?_ga=2.247560207.923657013.1572227354-1099439548.1506052852, accessed October 13, 2019).

that the ease of technology and access to social media is excellent in various circles, so that it can affect the occurrence of transitional crimes with the presence of technology.

Negative virtual campaign through the website, media social and chat applications when this has been troubling the community. This is because social media can be used as a new crime tool. This transfer can also be seen at the time of the election. Virtual campaigns prior to social media were carried out by sharing or disseminating information through brochures, pamphlets, articles, banners, etc. containing unknown fake news, slander, and / or negative information aimed at one particular partner.¹⁸ The dissemination can be carried out by anyone, be it members of the campaign team who have been registered or elements of sympathizers who are not registered as campaign teams.

The ease of technology has led to a more massive spread of negative virtual campaigns, because one computer or smartphone can spread the contents of negative virtual campaigns throughout the world via the internet. The spread of negative virtual campaign content through social media is said to be more massive, because by re-sharing or copy-pasting a link or news on social media, the news will spread in seconds. This is used by criminals so that opinions can be formed and society will change their mindset. In addition, many black campaigns are carried out by creating fraudulent advertisements. Deceptive campaign ads are likely to mislead and distort the truth about potential opponents and there is no way better to prove it because the purpose of this ad is deceptive and distorting the truth opponent politic.¹⁹

The negative virtual campaign has become a new trend / habit since the implementation of the 2014 general election campaign and the 2017 DKI Provincial Election. At that time, almost all social media was enlivened with content containing issues of slander, lies, fighting against each other, humiliation, etc. to bring down the image of political opponents. Negative virtual campaign also occurred in 2019. Implementation of Election 2019 Election has been completed, will be but is still a lot going on virtual campaign negative in social media. At the time of the 2019 Election, the virtual campaign had begun circulating on social media before the Election campaign stages were held. Negative virtual campaigns on social media containing SARA issues, human rights violations, insults, etc. are circulating on websites, social media and chat applications. Supporting individuals from both sides of the candidate pair in the 2019 Presidential Election began conducting negative virtual campaigns against their political opponents.

The negative virtual campaign gave an impact of distrust to the candidate pair who were contesting. Negative virtual campaigns on websites, social media and chat applications are often difficult to reveal or even catch, because there are several factors that always influence law enforcement. Law enforcement is currently still a problem that has not stopped to be studied and researched. This law enforcement means the implementation or implementation of a statutory regulation as an embodiment of a concept that has become a reality in society. Satjipto Rahardjo said that law enforcement is an effort to bring the ideas of legal certainty, social benefit and justice into reality.²⁰ These desires are in the form of thoughts that were born from legislators that are written in an academic paper which is processed through an in-depth study or research. The real form of an academic paper is in the form of rules contained in the body of a law. Satjipto Rahardjo said that the essence of law enforcement, if a statutory regulation is implemented, provides benefits to society and creates justice that applies to everyone with these rules.²¹

Sudikno Mertokusumo also said that in law enforcement there are (three) elements that must be considered, namely:

1. legal certainty (*rechtssicherheit*)
2. expediency (*zweckmassigkeit*)
3. justice (*gerechtigkei*).²²

For this reason, an in-depth study must be carried out regarding the creation of legal certainty if it is regulated in a statutory regulation. The benefits of a rule also characterize law enforcement. These rules must provide benefits to the community. In addition, justice must be created when the regulation has been enacted.

Soerjono Soekanto said that law enforcement is an activity to harmonize the relationship of values that are defined in solid values / views and manifest in action as a series of defining the final stage of values to create, maintain, and maintain a peaceful social life.²³ This means that for law enforcement, a harmony is needed between the rules and what is implemented at the level of community life. Soerjono Soekanto also said that law enforcement is not merely for implementing legislation, but an attempt to balance the inconsistencies

¹⁸ Alfred B. David Dodu. *loc.cit*, p. 54.

¹⁹ *Ibid*.

²⁰ Satjipto Rahardjo, *Law Enforcement: A Sociological Review*, Yogyakarta: Genta Publishing, 2009, p. 24.

²¹ Satipto Rahardjo, *Law Enforcement Issues*, Bandung: Sinar Baru, p. 15

²² *Ibid*.

²³ Soerjono Soekanto, *Factors Affecting Law Enforcement*, Jakarta: Raja Grafindo Persada, 2004, 29 *Ibid*, p. 7

between values, rules and behavior patterns.²⁴ Based on this, there are several factors that influence law enforcement, namely:²⁵ The legal factor itself is the statutory regulation:

1. Law enforcement factors, namely the parties who form and implement laws.
2. Facility factors or facilities that support law enforcement.
3. Community factors, namely the environment in which the law applies or is applied.
4. Factor culture.

Factors that affect the law enforcement will affect each one with the other. Law enforcement will not run properly if the five factors do not work properly. Therefore, each of these factors will be important to be discussed in the framework of the enforcement of campaign laws black (black campaign) in social media.

1. Laws and Regulations Factors

The current rules regarding negative virtual campaigns are implicitly regulated in Law no. 7 of 2017. Article 280 paragraph (1) of Law No. 7 of 2017 states that implementing participants , and election campaign teams are prohibited from:

- a. questioning the state foundation of Pancasila, the Preamble to the 1945 Constitution of the Republic of Indonesia, and the form of the Unitary State of the Republic of Indonesia;
- b. carry out activities that endanger the integrity of the Republic of Indonesia;
- c. insulting someone, religion, ethnicity, race, class, candidate, and / or other Election Contestants;
- d. inciting and pitting individuals or communities against each other;
- e. disturbing public order;
- f. threatening to commit violence or advocating the use of force against a person, group of community members, and / or other election contestants;
- g. destroy and / or remove campaign props for Election Contestants;
- h. use government facilities, places of worship, and places of education;
- i. carry or use image marks and / or attributes other than image marks and / or attributes of the relevant Election Contestants; and
- j. promise or give money or other materials to Election Campaign participants.

2. Law Enforcement Factors

The second factor in law enforcement is related to law enforcement. Law enforcers are people who are directly and indirectly involved in law enforcement.²⁶ The running of law enforcement cannot be separated from the law enforcement itself. Directly referred to as law enforcers, namely professions that are mandated by statutory regulations to enforce law, such as police, lawyers, prosecutors and judges. The law enforcer is given the authority in the laws and regulations to carry out his profession, so that law enforcement can be carried out optimally. Meanwhile, law enforcers can indirectly be interpreted as people who have credibility in certain fields that can functionally be used to make preventive efforts in law enforcement , namely lecturers, extension agents, teachers, or community leaders. Law enforcers are expected to have the ability or capability in understanding the laws and regulations regarding black campaigns on social media. The negative virtual campaigns for the 2019 Election is circulating in cyberspace, especially social media.:

Soerjono Soekanto stated that law enforcement is an activity to harmonize the relationship of values that are outlined in solid principles and attitudes as a series of final value translation. 40 This means that law enforcement can be carried out by agencies or institutions assigned the task of enforcing law. Apart from the Police, Election law enforcement can be carried out by Bawaslu. Bawaslu has the authority to take action on campaign content or content that is slander, lies, or that aims to bring down the opposing party. However, the crime of criminal proceedings against a black campaign (black campaign) remain on the territory of police work. Bawaslu helps and collaborates with the police to anticipate the circulation of negative virtual campaigns on social media by closing accounts that carry out negative virtual campaigns.

3. Facility Factor

The means or facilities in implementing the negative virtual campaign law enforcement on social media are very important. This is because the media used to carry out black campaigns is no longer through hardware or in real form. The virtual world does not recognize any physical form. Based on what Pierre Levy quoted by Bagus Edi Prayogo⁴¹, said that:

“ The internet is an open, flexible, and dynamic informational environment that allows people to develop new knowledge orientations. People are involved in a democratic world which promotes a more

²⁴ *Ibid* , p. 7.

²⁵ *Ibid* . p. 8 - 42.

²⁶ Satjipto Rahardjo, *Law Enforcement* , *op.cit* . p . 19-20.

interactive society-based allocation of power. The online realm acts as a meeting place of sorts for people to expand their social spheres, create opportunities for new knowledge, and offer spaces for broadly sharing different views (Soukup, 2006: 423) "

Based on what Pierre Levy disclosed, information on the internet is open, flexible and dynamic, where information can be freely accessed or created by anyone who wants to access and create that information. This freedom also means that any information can contain the truth or be shown to be a lie. The existence of the internet as a virtual world or cyberspace in reality is capable of changing human habits or behavior in the real world.²⁷

4. Community Factors

Soerjono Soekanto said that community factors are influenced by other factors before community factors, namely law enforcement factors and facilities or facilities factors.²⁸ Based on Soerjono Soekanto's opinion, it is reflected that the community will behave based on what is an example in the community itself. Society actually looks at the behavior of law enforcers or people who are considered as community leaders. At the time of the 2019 Election, it was clear that there were 2 (two) camps that supported each other. As for support from political parties and community figures, because it often appears on television. Public figures, politicians, and academics often put on unhealthy political performances. Attacks between community leaders, politicians, and academics on social media also did not escape. Actually, attacking each other's vision and mission can be called a negative campaign, will be but a negative campaign is becoming a habit is not good in the democratic process in Indonesia. This negative campaign carried out by figures on social media is an opportunity for others to carry out negative virtual campaign to the community.

Law enforcers who have tried to enforce the law will do so in vain if there are still community leaders, politicians, and academics who have messed up the atmosphere during the 2019 Election. Various political games played by politicians have become a negative habit that later it is a natural thing so that it becomes a problem in itself.

5. Cultural Factors

Cultural factors are also inseparable from the community factors themselves. People who are often provoked by something become an opening for black campaign makers on social media. Indonesian society upholds the culture prevailing in the society, will but rather it sometimes becomes used by people who are not responsible to perform negative culture.

The negative culture in question is the habit of the community to follow bad things (against the law) so that it is considered a habit that can become a negative culture that can prevail in society and is considered normal. Today's social media is not only a medium for socializing between one person and another. Currently, social media is more widely used for trading (buying and selling online) and also spreading political information. The transfer of the benefits of social media is used by negative virtual campaign makers to carry out their plans and activities. Since the emergence of various social media on the internet, we often encounter social media content or content that vilifies an institution or a person. This has already happened during the 2014 General Election, where social media has become a place to demonize each pair of presidential and vice presidential candidates.

Negative Virtual Campaign Prevention

Soerjono Soekanto said that law enforcement is not merely to implement laws and regulations, but an effort to balance the inconsistencies between values, rules and behavior patterns.²⁹ Based on this, it can be said that in law enforcement there must be synchronization between the applicable regulations and the behavior carried out by the community and the law enforcers themselves. In carrying out law enforcement, an effort is needed to overcome the occurrence of certain crimes or criminal acts. Sudarto said that law enforcement could be carried out by means of penal (repressive) and non-penal (preventive) efforts.³⁰ Repressive measures, namely eradication after the occurrence of crimes by conducting investigations and investigations by the police, which can then be processed through courts and given sanctions in accordance with applicable regulations, while preventive measures, namely prevention before the occurrence of crimes are more directed to the process of disseminating laws and regulations. -invitation or socialization regarding the dangers of the negative virtual

²⁷ Ibrahim R, Cyberspace Jurisdiction in the XXI Century National Legal System, in *the Ius Quia Iustum Legal Journal*, Yogyakarta: Indonesian Islamic University (UII), No. 24 Volume 10 September 2003, p. 120

²⁸ Soerjono Soekanto, *Influencing Factors...*, *loc. cit.*, p. 46

²⁹ Soerjono Soekanto, *Factors Affecting ..*, p. 7

³⁰ Soedarto, *Criminal Law and Law*, Bandung: Alumni, 1986, p. 111

campaign.³¹ Specific preventive measures are taken to prevent³². in order not do the deployment or making a negative campaign by the community.

negative virtual campaign. The preventive efforts are carried out through:

1. Media Literacy

Media literacy is one of the assets for the community to use social media. Media literacy is used to analyze the content or content on social media. In addition, the culture of reading, examining, and analyzing becomes important in the use of social media. Hobs in the National Leadership Conference on Media Education as adapted by Juditha48 said that media literacy is the ability to access, analyze, evaluate, and communicate messages in various forms.

2. Inter-Institutional Cooperation

The nature of the internet that is open in cyberspace can be accessed by anyone, it becomes difficult to control. Therefore, countermeasures for black campaigns on social media cannot be done by one institution alone. This requires cooperation between state institutions to control what is in cyberspace, including law enforcement. Law enforcement will be able to run well, if law enforcers build synergy to take preventive measures up to the repressive efforts of Bawaslu and KPU.

IV. CONCLUSIONS AND RECOMMENDATIONS

Some factors that affect law enforcement negative virtual campaign in the media of social, namely: the first factor of the legislation, the negative virtual campaign is still not regulated detailed in Law No. 17 In 2017, the factor of law enforcement, the existence of law enforcers at this time is still not maximized because many of these law enforcement personnel do not have sufficient skills in overcoming the campaign. negative virtual campaign on social media , this is due to limited budgets that are owned so that education and training are obstructed for law enforcers . Third, the facilities and facilities are the classic obstacles in law enforcement.

Increasingly sophisticated technology, will be but the equipment and facilities within law enforcement are also not fulfilled can become an obstacle to the enforcement of campaign negative virtual campaign in the media social. Fourth , the community factor , often people actually follow people who have the power to carry out negative campaigns so that people get used to it and cannot distinguish which ones are negative campaigns and which ones are negative virtual campaign. Fifth, cultural factors. Bad culture or habits to spread black campaigns will affect law enforcement. More and more people are accustomed to spreading negative virtual campaign, and are getting more and more familiar with the content or content that smells of negative virtual campaign. Election administrators and law enforcers need to pay more attention to the existence of black campaigns or websites located on various internet sites. Efforts to overcome the negative virtual campaign can be done through preventive and repressive measures. Preventive efforts are carried out by conducting media literacy, collaborating between institutions, and creating applications for early detection of negative content. Efforts repressive done by enforcing the law and closing the account, or sites that negative virtual campaign.

V. SUGGESTIONS

Law enforcement can run well, if the five factors of law enforcement can be corrected or resolved properly. In addition, to support law enforcement, several things need to be done, namely:

1. UU no. 7 of 2017 needs to clearly and firmly regulate the black campaign category and its dissemination.
2. The implementation of a black campaign (black campaign) is full of technology that continues to develop, therefore it is necessary to implement regulations for law enforcement that follow these technological developments because the law should always follow these technological developments.
3. Black campaign prevention is carried out as early as possible by turning off the source. Prevention also requires an increase in human resources and facilities and infrastructure in the form of state-of-the-art software and hardware.
4. Increased monitoring, control, and surveillance capabilities to terminate the black campaign site network, accompanied by a legal basis.
5. Community empowerment through media literacy to support monitoring, control and surveillance activities carried out by the government.

³¹ *Ibid*

³² Moh. Hatta, *Some Law Enforcement Problems: General Crime & Special Crime* , Yogyakarta: Liberty, 2009, p. 26.

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