



## ELECTION PARTICIPANTS' CAMPAIGN ON SOCIAL MEDIA DURING QUIET TIMES BASED ON KPU REGULATION NUMBER 23/2018 AND FIQH SIYASAH PERSPECTIVE

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### Abstract

*The use of social media as a campaign method for election participants can be very effective in building wide contacts and saving time compared to other campaign methods. This shows that with the help of social media, politicians and political parties can easily campaign anywhere and at any time, meaning that campaigning on social media is not limited by location and time. However, as a candidate, this can be realized as a form of campaign. The aim of this research is to find out whether this should be considered an election violation or a form of freedom of expression. The use of social media for non-campaign activities must be seen from several different points of view, this activity is a form of election violation but can also be seen as a form of freedom of opinion. The campaign in fiqh siyasah is not yet familiar and widely known. The term predates contemporary times, when many Muslim-majority countries, especially in the Middle East and Southeast Asia, formed democratic nation-states. Campaign behavior is one of the main parts in organizing elections. In Siyasaah Fiqh the word for general elections is called Intikhabah Al-'Ammah, Intikhabah is Jama' muannas' salim which means to choose. This research will examine in more depth the use of social media by election participants during the quiet period in terms of general election commission regulation number 23 of 2018 and also fiqh siyasah by using the opinion of Yusuf Al Qardhawi with the concept or theory of Siyasah Al-Syarr'iyah, namely in terms of campaign.*

**Keywords:** Campaign, Social Media, Siyasah Syarr'iyah

### A. INTRODUCTION

General elections are a real manifestation of people's sovereignty in a democratic system. Held periodically, elections provide a means for the public to directly elect their representatives at various levels of government. Through elections, the people not only give mandates to leaders, but also ensure that political power is in their hands and used for the common good. Social media is a platform or online communication tool that allows users to engage in social activities, interact and share content via the internet network. The uniqueness of social media lies in its ability to connect users virtually, without restrictions on distance, space or time. With the help of digital technology, individuals can engage in dialogue, share information, and build communities online. Social media has revolutionized the global communications landscape by providing digital platforms that facilitate widespread social interaction. Through the use of web technology, social media has changed the way we communicate from monologue to dynamic dialogue.

Thus, social media does not merely function as a forum for distributing information, but also acts as a virtual public space that allows for the interactive exchange of ideas between individuals. The regulations of election management institutions also accommodate these developments as regulated by General Election Commission Regulation (PKPU) Number 23 of 2018 concerning General Election Campaigns, where in the stages of a general election campaign, various methods can be implemented in accordance with the provisions that have been regulated. These methods include, Limited Meetings, Face-to-Face Meetings, Distributing Election Campaign Materials to the Public, Installing Campaign Props in Public

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Places, Social Media, Print Media Advertisements, Electronic Media, and Online Media, General Meetings, Debates for Presidential Candidates and Vice President for Presidential and Vice Presidential Elections. Other Activities that Do Not Violate Election Campaign Prohibitions and the Provisions of Legislation. Along with technological developments, political parties and their candidates are increasingly realizing the great potential of social media as a political communication tool. As a result, competition for control of the digital space is increasingly fierce, with each party seeking to create a strong and aggressive presence on various social media platforms. The main goal of this strategy is to gain wider public support and achieve the stated political goals. In this context, social media acts as a very effective means of conveying information, providing services to the community, accessing political resources, and building a solid support base.

In the context of general elections, there are official rules and schedules that regulate them to ensure fairness, transparency and equality in the election process for election participants. Several politicians and parties have actively used social media to communicate with voters during campaigns. However, questions arise regarding the legality of using social media. Politicians and parties during quiet periods or outside the official election schedule. Another question is regarding the current use of social media. Politicians or political parties who are not participants remain calm in elections, but as individuals and as party bodies. Conveying thoughts or ideas is considered a violation regarding election regulations or to what extent this is still considered a form of freedom of opinion in a democracy. So, an in-depth analysis of the legality of this practice is necessary to maintain a balance between freedom of speech and election integrity.

This research seeks to answer the need to deepen understanding of the legality of social media during the quiet period of elections, by considering the perspective of freedom of expression and its impact on election integrity. To better understand the legal aspects involved, this research will make a positive contribution to improving the electoral legal system and maintaining democratic principles in this digital era. Social media acts as a means of disseminating information whose truth is often not verified. Digital social media platforms such as Facebook, Instagram and Twitter, although offering wide accessibility to the public, are also vulnerable to the spread of disinformation and hate speech. In addition, social media has become an effective political campaign arena, enabling election participants to gain a wider audience and carry out intensive socialization. However, the potential for information manipulation and opinion polarization is a serious challenge in using social media for political purposes. As is the practice that has recently become widespread on social media regarding campaigns, there are those who create content containing hatred, hoaxes or even slander against one of the election candidate candidates. Therefore, in this research the author will conduct research at the Medan city election supervisory body to find out what actions Bawaslu has taken.

Based on the explanation above, it can be seen that campaigns using social media are regulated in General Election Commission regulation Number 23 of 2018 concerning General Election Campaigns which regulates procedures, prohibitions and permissibility in the campaign process using social media. In line with this, according to Islamic law, namely Fiqh siyasah, permits campaigns, however there are several provisions that must be in line with Islamic law, so in this research the author will examine in more depth the review of Fiqh siyasah towards General Election Commission Regulation Number 23 of 2018 concerning General Election Campaigns. In the case of campaigns using social media, are the provisions in these regulations in line with the concept of Fiqh siyasah or are they contradictory?. In terms of reviewing siyasah fiqh, the author uses the opinion of Yusuf Al-qaradawi by using the concept or theory of Siyasah Al-syarriyyah in terms of campaigns using social media as is the practice that occurs ahead of the 2024 elections. According to Al-Qaradawi, siyasah syar'iyah is a political approach which is based on sharia rules, along with related laws and directives. Therefore, in this research, a study will be applied to the General Election Commission

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Regulation Number 23 of 2018 concerning General Election Campaigns as well as the concepts of Fiqh Siyasa in assessing existing practices.

## **B. FORMULATION OF THE PROBLEM**

1. How to Use Social Media as a Campaign Tool in Quiet Times?
2. How is the General Election Campaign from a Fiqh Siyasa Perspective?

## **C. RESEARCH METHODS**

### **1. Types of research**

The method used in this research is descriptive analysis, because it focuses more on the scope of the literature, conceptions and rules of the literature. It can be concluded based on existing doctrine, that the descriptive legal research method is an approach that involves collecting data which is then compiled, processed and analyzed to provide a clear picture of the topic being researched.

### **2. Research Approach**

The research approach used is a statutory regulation approach (Statue Approach) and a case study approach (Case Approach). Because the starting point in this research is General Election Commission Regulation No. 23 of 2018 concerning Regulations during the Quiet Period of Campaigns on Social Media. Meanwhile, the Case Study Approach is a case where the campaign period has ended during the quiet period but there are election participants who are found campaigning via Social Media.

### **3. Data source**

To strengthen and analyze the problem in question, researchers use legal materials. Which consists of primary and secondary legal materials. The primary data in question is Law Number 7 of 2017, while the secondary data is fiqh siyasah books, legal journals and legal articles.

### **4. Data analysis**

In analyzing the data that has been collected, the author utilizes research data from journals and books relating to campaign regulations for election participants on social media during the quiet period. By using the concept of Siyasa (Syarriyyah).

## **D. DISCUSSION**

### **1. Use of Social Media as a Campaign Tool in Quiet Times**

Quiet period Refers to the period to which the provisions of Article 1 number 36 of Law Number 7 of 2017 concerning General Elections (Election Law) apply. Both general elections are not allowed. Currently, as stated in paragraph 167 paragraph 4 of the Election Law, this is one way to emancipate elections. An election campaign is a dynamic process and involves various parties. The main goal is to provide accurate and relevant information to the public, so that they can make the right choice in choosing their leaders. The presidential and vice presidential election campaign includes limited meetings, teaching election materials to the public, installing props in public places for three days after the selection of candidate pairs, and the presidential and vice presidential election campaign includes limited meetings. The beginning of the tasrif period. The remaining time, the advertisement will be broadcast for 21 days in print media, electronic media, online media and the general public, ending one day before the specified time. At that time, presidential aides, secretaries and/or legal aides were not allowed to give advice to the people they represented, were not allowed to use their own judgment, were not allowed to belong to a political party in power, and they were not allowed to use the current political party nest. This. Violation of this prohibition is punishable by a maximum imprisonment of four years and a maximum fine of IDR 48 million. During the quiet

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period, print media, online media, social media and broadcasting institutions are prohibited from publishing news, advertisements, appearances by election participants and other formats related to election campaigns, whether beneficial or detrimental to the distribution of prohibited election participants. During the calm period, public opinion polls and election-related poll results are also prohibited. Violation of this provision is punishable by a maximum imprisonment of one year and a maximum fine of IDR 12 million. If someone carries out a campaign during the quiet period, it means that he has violated the schedule set by the Election Law and KPU regulations. Based on Article 492 of the Election Law, any individual who deliberately carries out a campaign outside the official schedule determined by the KPU, Provincial KPU and Regency/City KPU, as regulated in Article 276 paragraph (2), will be subject to imprisonment for a maximum of 1 year and maximum fine of IDR 12,000,000.00 (twelve million rupiah). Election campaigns can be carried out through various media, including social media. However, the implementation of campaigns on social media is regulated by General Election Commission Regulation (PKPU) Number 15 of 2023 concerning Election Campaigns, which is explained in Articles 37 and 38.

The combination of text, audio and/or images can be in the form of narrative or interactive and non-interactive graphics and can be received via the message receiving device. Campaign Organizers are required to register their official social media accounts with the following numbers: KPU for presidential and vice presidential candidate pairs as well as participants in the DPR member election; Local KPU for participants in the election of local DPD and DPRD members. Regency/City KPU for voters for Regency/City DPRD members. Social media account registration must be completed three (3) days prior to the Promotion Period using the registration form provided. This form is submitted to the KPU, State KPU, and Regency/City KPU depending on the level. Social media has become an important element in modern political communication strategies, highlighting its significant role in today's political dynamics. The use of social media for campaigns outside the official schedule can lead to debates about election violations and freedom of expression. The rules regarding campaign implementation are regulated in Law Number 7 of 2017 concerning Elections, specifically Article 280 paragraph (1) which regulates the timing of campaign implementation by the KPU, as well as Article 280 paragraph (2) which emphasizes the importance of transparency and honesty in campaigns.

In this context, the use of social media for campaign activities outside the official schedule can be considered a violation of these provisions. This is because these actions can be considered as an attempt to influence. The use of social media as a campaign tool outside the official schedule can give rise to a debate between aspects of election violations and freedom of expression. In the legal context in Indonesia, the rules relating to campaign implementation are regulated in Law Number 7 of 2017 concerning Elections, specifically Article 280 paragraph (1). This article emphasizes that the campaign must be carried out within the time period determined by the General Election Commission (KPU). Apart from that, Article 280 paragraph (2) of the Election Law also emphasizes that campaigns must be carried out openly and honestly. In this context, the use of social media for campaign activities outside the official schedule can be considered a violation of these provisions. This is because these actions can be considered an attempt to influence public opinion beyond the time limit determined by the election authority. However, on the other hand, some parties may argue that the use of social media as a campaign tool is part of individual freedom of expression and has an important role in conveying political messages.

The author has conducted research using a Field Study Approach to the Medan City Bawaslu, namely to reveal facts in order to obtain related data. Researchers conducted interviews with Bawaslu. The interviews conducted by the researcher were



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based on an on-site agreement between the researcher and the informant, where the interviews were conducted at Bawaslu, Medan City. The informant in this research is Mr Fachril Syahputra who is the Coordinator for Handling Violations, Data & Information Baawaslu Medan City. He said that there were indeed violations related to campaigns on social media during the calm period. The initial step that Bawaslu took was to submit a letter of suggestions for improvement and an appeal that it was a violation so that within 1 x 24 hours the upload must be taken down immediately. If the warning is complied with, the handling of the violation will not be followed up/processed because the formal and material requirements are not met. This take down effort was carried out as a preventive step for Bawaslu.

## **2. General Election Campaign Fiqh Siyasaah Perspective**

Fikihi Siyasaah (السياسة) is tarkib Idhafi or a compound sentence consisting of two words, namely the words fiqh (الفقه) and al-siyâsî (السياسة). meaning understand. Siyasaah comes from the Arabic word ساس - ي سوس - ي ساسة which means to organize, manage and rule. Siyasaah also means government and politics, or demands wisdom, meaning to organize, manage and govern. Siyasaah also means government and politics, or demanding wisdom. In this research the author uses the theory of siyasah al- syarr'iyah. The definition of sharia according to Abdurrahman Taj is a law that upholds state sovereignty and resolves human rights issues in accordance with the principles of sharia and universal law, with the aim of achieving social justice, even though this law is not clearly stated in the law. Al-Qur'an and Sunnah. The term 'siyasah al-syar'iyah' actually refers to politics in accordance with Islamic law. The word 'syar'iyah' comes from the word 'syari'ah' which means law or rules that come from Allah. So, Islamic politics is a way of governing a country that follows God's laws. According to the Islamic scientist, Yusuf Al-Qaradawi, siyasah al-syar'iyah means running a government by referring to all the laws and instructions contained in the Islamic religion. So, not just a few rules, but all the rules in Islam must be a guideline for the state.

The basic sources of siyasah syar'iyah are the Al-Qur'an and Sunnah, which serve as guidelines for making laws and regulating state life. If no specific arguments can be found, then you can refer to the opinions of ulama, legal principles, local customs, as well as experience and cultural heritage. Siyasaah syar'iyah is oriented towards achieving the benefit of the ummah, both in this world and in the hereafter. The principles of the Qur'an and Sunnah are the main basis, however, Islamic politics also pays attention to social realities and human needs. As is the practice that has recently become widespread on social media regarding campaigns, there are those who create content containing hatred, hoaxes or even slander against one of the election candidate candidates. Therefore, in this research the author will conduct research at the Medan city election supervisory body to find out what actions Bawaslu took in handling campaigns using social media.

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Yusuf al-Qaradawi, siyasah al-syar'iyah is a form of politics that is based on the principles and rules of the Shari'a, as well as all the laws and directives contained therein. This means that in making political decisions and establishing policies, a ruler must comply with the rules of Islamic law and ensure that the policies are in accordance with Islamic teachings. then the author will analyze and research using a review of General Election Commission Regulation Number 23 of 2018 concerning General Election Campaigns and also Siyasah Fiqh and address the practices that occur.

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Meaning: "How is it possible to have an agreement (safe) from Allah and His Messenger with polytheists, except those with whom you have made an agreement (with them) near the Grand Mosque? So as long as they act straight towards you, you should act straight (also) towards them. Indeed, Allah loves those who are pious. Surah At-Taubah [9]: verse 7.

According to al-Jalalain's interpretation, the context in which this verse was revealed was the Hudaibiyah incident. This verse refers to the Quraysh who were idol worshippers and had entered into an agreement with the Muslims. This verse talks about the difficult situation faced by the Prophet Muhammad and his companions at that time. They were faced with stiff resistance from the infidels in Mecca who tried to stop the spread of Islam. In Islamic teachings, Allah SWT has established laws that require Muslims to adhere to the agreements or contracts that have been agreed upon. This includes a commitment not to violate the ceasefire agreement and to avoid actions that could trigger hostilities. In a political context, this verse emphasizes the importance of maintaining commitment to agreed agreements. Muslims are required to respect peace agreements with other parties as long as no violations are committed. This principle provides the basis for defensive action in the event of a threat to the security of Muslims.

## **E. CLOSING**

In the previous several elections, the role of social media as a campaign tool in elections has increased. This shows that society is developing rapidly in the era of computers and the internet. Election management bodies regulate the use of social media as part of campaigns. However, the question remains whether this constitutes freedom of expression or an election violation because it was used by individuals and party institutions during the quiet period scheduled by the election management body. On the one hand, an election violation similar to election regulations is the use of social media for campaigning outside the schedule. This is due to regulations governing official campaign times to ensure equality and fairness for all election participants. It is possible that this action is an attempt to exploit the continuity of social media to gain political power outside the current electoral setting.

Rather, this act can be considered as freedom of expression, where candidates or political parties who do not participate in elections can use the platform to convey their personal ideas and opinions without being limited by formal campaign deadlines. It respects the freedom of individuals or groups to voice their opinions. Therefore, evaluation of the use of social media for off-schedule campaigns must be carried out carefully in order to balance freedom of expression with compliance with election ethics and law. Based on the explanation above, it can be seen that campaigns using social media are regulated in General Election Commission Regulation Number 23 of 2018 concerning General Election Campaigns which regulates procedures, prohibitions and permissibility in the campaign process using social media. In line with this, according to Islamic law, namely Fiqh siyasah, campaigns are permitted, however there are several provisions that must be in accordance with Islamic law.

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## REFERENCES

- Cahyono, Anang Sugeng. 2016. "Pengaruh Media Sosial Terhadap Perubahan Sosial Masyarakat di Indonesia." *Jurnal Publiciana* 9(1): 140–57.
- Banurea, Oda Kinata. 2023. "Efektivitas Pengawasan Kampanye Berbasis Digital (Pencegahan Pelanggaran Praktek Kampanye Berbasis Digital)." *Mediation: Journal of Law* 2(1): 59–77.
- Fahruji, Deden. 2023. "Pemanfaatan Media Sosial dalam Kampanye Politik Menjelang Pemilu 2024: Studi Kasus tentang Akun Media Sosial Partai Politik dan Politisi." *Jurnal Ilmu Komunikasi Andalan* | 6(2): 118–32.
- Sartikasari, Sartikasari, Rudi Hardi, dan Nursaleh Hartaman. 2021. "Efektivitas Kampanye Politik Di Media Sosial Pada Pemilihan Kepala Daerah Tahun 2018 Di Kecamatan Sajoanging Kabupaten Wajo." *Kybernology : Journal of Government Studies* 1(1): 16–33.
- Ardha, Berliani. *Sosial Media sebagai Media Kampanye Partai Politik 2014 di Indonesia. Jurnal Visi Komunikasi*, Vol. 13, No. 01, Mei 2014.
- Budiyono. (2017). *Media Sosial Sebagai Komunikasi Politik Menjelang Pilkada DKI Jakarta. Jurnal Komunikasi*.
- Ratnamuyani, I. A., & Maksudi, B. I. (2018). *Peran Media Sosial Dalam Peningkatan Partisipasi Pemilih Pemula di Kalangan Pelajar Kabupaten Bogor. Jurnal Ilmu-ilmu Sosial dan Humaniora*.
- Perdana, Aditya, dan Delia Wildianti. 2018. "Narasi Kampanye dan Media Sosial dalam Pemilu Presiden dan Wakil Presiden Tahun 2019." *Jurnal Bawaslu DKI (December 2018)*: 19–37.
- Laras Weninggalih, dan M.E Fuady. 2021. "Hubungan Kampanye Politik Calon Presiden 2019 melalui Media Sosial Instagram dengan Keputusan Memilih Mahasiswa Indonesia di Thailand." *Jurnal Riset Public Relations* 1(1): 22– 32.
- Fadhli, Muhammad. 2023. "Analisis Fiqh Siyasah Terhadap Kampanye Pemilihan Umum Di Media Sosial Berdasarkan Peraturan Komisi Pemilihan Umum Nomor 23 Tahun 2018 Tentang Kampanye Pemilihan Umum." *Jurnal Siyasah Wa Qanuniah* 1(1): 34–48..
- Al-Zuhaylî, Wahbah. *Ushul al-Fikih al-Islami*. Vol.1. Damaskus: Dar al-Fikr, 2001.
- Ma'âf, Louis. *Munjid fi al-Lughah wa al-A'lam*. Beirut: Dar Al-Masyriq, 1986
- Sugito, Aryani Sairun, Ikbar Pratama, dan Indah Azzahra. 2022. *Media Sosial (Inovasi Pada Produk & Perkembangan Usaha)*. Deliserdang: Universitas Medan Area Press.
- Beetham. (2000). *Demokrasi : Tanya Jawab, Terjemahaan Bern*. Yogyakarta: Kanisius.
- Shiddieqy, M. Hasbi Ash. *Pengantar Ilmu Fiqh*. Jakarta, Bulan Bintang: 2008.
- Al-Hamdi, Ridho. *Partai Politik Islam: Teori dan Praktik di Indonesia*. Yogyakarta: Graha Ilmu, 2013.
- Soekanto, Soerjono, dan Sri Mamudji. 2022. *Penelitian Hukum Normatif Suatu Tinjauan Singkat*. 1 ed. Depok: Rajawali Pers.
- Khallaf, Abdul Wahab. *Al-Siyasat Al-Syar'iyat*. Al-Qahirah: Dar Al-Anshar, 1977.
- Taj, Abdurrahman. *Al-Siyasah Al-Syar'iyah Wa Al-Fiqh Al-Islami*. Mesir: Mathba'ah Dar Al Ta'âlif, 1993.
- Al-Qaradhawi, Yusuf. *Membumikan Islam Keluasan dan Keluwesan Syariat Islam untuk Manusia*, (Terj: Ade Nurdin dan Riswan) (Bandung: Mizan Pustaka, 2018), h. 13.
- Al-Qaradhawi, Yusuf. *Pengantar Politik Islam* (Terj: Fuad Syaifudin Nur). Jakarta: Pustaka al-Kautsar, 2019.
- Abu Ja'far Muhammad at-Thabari. (Tanpa tahun). *Jami' al-Bayan „an Ta'wili Ay al-Qur'an*. (Makkah al-Mukarramah: Dar at-Tarbiyah wa at-Turats)
- Jalaluddin as-Suyuthi. Jalaluddin al-Mahalli. (1431 H). *Tafsir al-Jalalain*. (Kairo: Dar al-Hadits)
- Abdurrahman al-Jauzi. (1422 H). *Zad al-Masiyr fii „Ilmi at-Tafsir*. (Beirut: Dar al-Kitab al-„Arabiy)