

# ACTIO

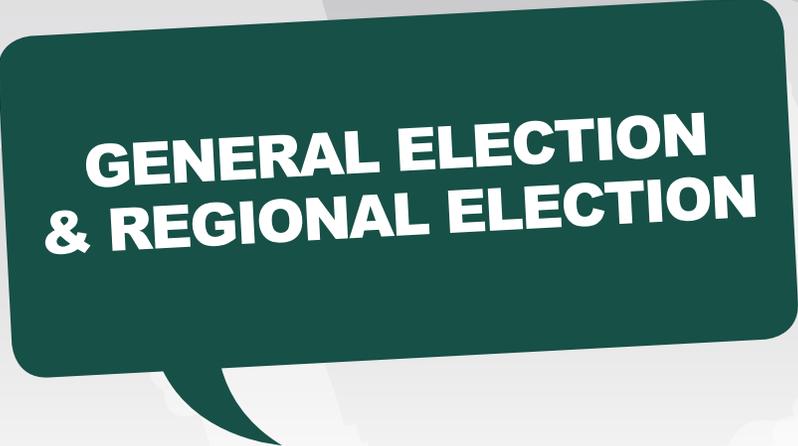
ISSUE NO. 7 / APRIL 2018

---

**E-election  
are we ready?**

---

**Is election fund  
need to be limited?**



**GENERAL ELECTION  
& REGIONAL ELECTION**





We, Akasa Cipta Tama (ACT), was established in April 2015 as a response to the demand of highly qualified translators for business, legal, technical, and general documents; as well as interpreters and note takers for meetings, seminars, and conference. Our translators, interpreters and note takers have extensive experiences in their respective fields.

With a comprehensive database of qualified human resources, ACT works to ensure the best results in every project we run. Some of our top personnel have worked for various international events and some of our clients include the Office of the President of the Republic of Indonesia, People's Consultative Assembly, The United Nations, The World Bank, AusAID, USAID, and some prominent law firms in Indonesia.



Please do not hesitate to contact us if you have any question at [marketing.akasa@gmail.com](mailto:marketing.akasa@gmail.com).  
Looking forward to hearing from you.



# Leadership is not about the next election, it is about the next generation.

-Simon Sinek-

Kindest Readers,

In June 2018 this year, Local Elections (Pilkada) will be held. Seventeen provinces and 171 regions, will simultaneously conduct the elections to determine their local leaders for the next five years.

The Elections are a hot topic to be discussed, considering the amount of political and financial interests involved. In this 7th edition, ACTIO will focus on several issues concerning several provisions that govern the elections process. These include the formal requirements for local leaders candidates and participants' campaign funds. These two topics are regarded as central to the local elections which is accountability. In an election that upholds accountability, it is expected that an accountable leader is be elected. This is a leader that can prepare the next generation for a better future.

In addition to the elections, another commonly discussed topic these past months has been the governments' further steps since the Tax Amnesty periods. On the 5th March 2018, President Joko Widodo issued the Presidential Regulation concerning the Obligation of Corporations to Report their Beneficial Owner. ACTIO will deal with this very important issue.

Finally, on behalf of the entire ACTIO team, we hope that this edition will be useful for all readers. Happy Reading.

Warmest Regards,

**ANGGRAENI AND PARTNERS**

Setyawati Fitri A, S.H., LL.M., FCI Arb  
Managing Partner

## TABLE OF CONTENTS

FOREWORD .....	3
INFO: Corporations Obligated to Disclose Their Beneficial Owners .....	4
IN-DEPTH LOOK: The Use of Fake Diplomas in Local Elections and their Criminal Sanctions .....	5
ANALYSIS: Ambiguity in Regulations dealing with the Limitation of Campaign Funds .....	8
TIPS: Tax Write-Offs on Bad Debts .....	10
OPINION: Measuring the Urgency and Preparedness of Indonesian Law in Conducting Electronic Based General Elections .....	11
BINOCULARS: Probing the Information Media Campaign Regulations .....	14

## ACTIO

Editorial:

Advisor:

**Setyawati Fitri Anggraeni, S.H., LL.M., FCI Arb.**

Editor in Chief:

**Manuel Simbolon, S.H., M.H.**

Managing Editor:

**Tanya Widjaja Kusumah, S.H.**

Writers:

**Dr. Hary Elias, BA Hons (Cantab), LL.M (1st Class Hons),**

**MBA (Columbia), Juris Doctor**

**Agus Dwi Prasetyo, S.H.**

**Tanya Widjaja Kusumah, S.H.**

**Elida Damaiyanti Napitupulu, S.H.**

**Manuel Simbolon, S.H., M.H.**

**Kevin Samuel Fridolin Manogari, S.H.**

**Keshia Bucha, S.H.**

Contributors:

Media Consultant:

**Fifi Juliana Jelita**

Copy Editor:

**Wahyu Hardjanto**

Visual Layout Designer:

**Riesma Pawestri**

Illustration: **freepik.com**

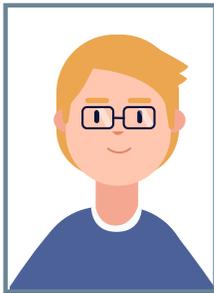
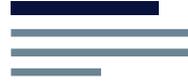
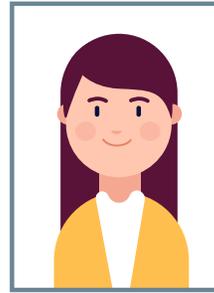
Axio Magazine is published every four months, made and distributed by:



### Disclaimer:

It is important for us to clarify that any analysis, opinion or information in Actio is a personal contribution of the partners and/or associates of Anggraeni and Partners law firm and is a common knowledge of law. Such analysis, opinion or information in Actio is not intended to serve as the legal opinion or view of Anggraeni and Partners law firm about certain legal issues.

The analysis, opinion or information in Actio cannot be interpreted as an indication or suggestion for a future circumstance. The analysis, opinion or information in Actio is not offered as legal opinion or legal advice for any certain matter. No reader may consider that they have to act or refrain from acting or choose to act in regard of a certain issue based on the analysis, opinion or information in Actio without first seeking consultation from professionals at law in accordance with the specific facts and circumstances encountered.



## CORPORATIONS OBLIGED TO DISCLOSE THEIR BENEFICIAL OWNERS

On the 5th March 2018, President Joko Widodo issued new regulations concerning beneficial ownership of corporations. The Presidential Regulation Number 13 of 2018 concerns Implementation of Principles of Recognizing Beneficial Ownership in the Event of the Prevention and Eradication of Money Laundering and Criminal Acts of Terrorism Financing is aimed at greater financial transparency and piercing the corporate veil. This Presidential Regulation (Perpres) is the implementation of the Automatic Exchange of Information (AEOI) program for tax purposes

and obliges every corporation to declare the identity of their owners.

Currently, there is no regulation governing this issue and it was necessary to create a regulation regarding the beneficial ownership of a corporation. The purpose of this regulation is to prevent corporations, whether directly or indirectly, from being used by criminals to perpetrate acts of money laundering and financing terrorism through their beneficial ownership of companies.

**(TWK)**



# THE USE OF FAKE DIPLOMAS IN LOCAL ELECTIONS AND THEIR CRIMINAL SANCTIONS

The upcoming 2018 Local Elections (Pilkada) are planned to be simultaneously held in 171 areas in Indonesia. This Local Elections involve 17 provinces, 115 regencies and 39 cities. One regulation concerns the Process of Local Elections is Regulations Number 10 of 2016 concerning Government Regulation in Lieu of Law No. 1 Year 2014 concerning the Election of Governor, Regent and Mayor into Regulation ("Law No. 10 Year 2016").

The requirements to propose candidates are regulated by Article 7 Law No. 10 Year 2016, and are as follows:

- (1) Every Indonesian national has the right to get an equal chance to nominate themselves as Governor and Vice Governor Candidate, and Regent Candidate or Vice Regent Candidate and Mayor Candidate and Vice Mayor Candidate.
- (2) The Governor and Vice Governor Candidate, and Regent Candidate or Vice Regent Candidate and Mayor Candidate and Vice Mayor Candidate as described on paragraph 1 shall fulfilled the following requirements:
  - a) Mindful of God;
  - b) Faithful to Pancasila, the Constitution of Republic of Indonesia of 1945, Aspirations of the Proclamation of Independence 17th August 1945 and the Unitary State of The Republic of Indonesia;
  - c) Have attended school to at least Senior High School or other school at the same level;
  - d) Be at least 30 (thirty) years old for Governor Candidates and Vice Governor Candidates and 25 (twenty five) years old for Regent Candidate or Vice Regent Candidate and Mayor Candidate and Vice Mayor Candidate;
  - e) Be physically and mentally capable of performing the duties and be free of drugs use as determined by a comprehensive health check up from the team;
  - f) Never been convicted by a court decision having permanent legal force or if previously convicted, had openly and honestly declared to the public that they had been previously convicted before;
  - g) Not be revoked of their voting rights by a decision of a Court with permanent legal force;
  - h) Not been involved in any despicable act which is proven by a police verification letter;

- i) Submit the list of their personal wealth;
  - j) Has no debts personally or/and collectively that may create a loss for the state;
  - k) Has not been declared bankrupt by a permanent legal court. ;
  - l) Has a Taxpayer Identification Number and has personal tax report;
  - m) Has never been a Governor, Vice Governor, Regent, Vice Regent, Mayor and Vice Mayor for 2 (two) periods in the same position for Governor Candidate, Vice Governor Candidate, Regent Candidate, Vice Regent Candidate, Mayor Candidate and Vice Mayor Candidate;
  - n) Has never been a Governor for Vice Governor Candidate or Regent/Mayor for Vice Regent/Vice Mayor Candidate in the same area;
  - o) Resigned from his/her position as Governor, Vice Governor, Regent, Vice Regent, Mayor and Vice Mayor which nominated him/herself in another area after he/she has been appointed as a candidate;
  - p) Is not Acting Governor, Acting Regent, and Acting Mayor;
  - q) A written declaration of his/her resignation as members of People's Representative Council, members of Regional Representative Council and members of Legislative Council after he/she has been appointed as candidate pairs of Election participants;
  - r) A written declaration of his/her resignation as a member of the Indonesian Army, The Indonesian National Police and Civil Servants and Village Head or other terms after he/she has been appointed as candidate pairs of Election participants; and
  - s) Resigned from his/her position at the State Owned Enterprise or Regionally Owned Enterprise after being appointed as a candidate.
- doctors, psychological experts, and National Narcotics Agency, which is appointed by the Province KPU or Regent/City KPU as proof of the candidate's fulfillment of the requirement as stated in Article 7 f;
  - 2) Has not been convicted by a court of permanent legal force from a District Court which has the jurisdiction over the domicile of the candidate or if an ex-convict, had openly and honestly declared to the public that he/she has been convicted. A local or national mass media editor in chief may act as proof of the candidate fulfilling the requirement as stated in Article 7 g;
  - 3) A Court with permanent legal force has not revoked his/her voting rights by the District Court which has the jurisdiction over the domicile of the candidate as a proof of the candidate's requirement fulfillment as stated in Article 7 h;
  - 4) Never been involved in any despicable act which is proven by the police's verification letter as proof of the candidate's fulfillment of the requirements stated in Article 7 l;
  - 5) Has no debts personally or/and collectively that may create a loss for the state Article 7 k must be proved;
  - 6) Has not been declared bankrupt by a court with permanent legal force from a District Court which has the jurisdiction over the domicile of the candidate, as a proof of the candidate's fulfillment of requirements fulfillment as stated in Article 7 l;
  - c) Receipt of the candidate's wealth report from the institution which has the authorization to check the wealth report of state officials as a proof of the candidate's requirement fulfillment as stated in Article 7 j;
  - d) Copies of:
    - 1) Last education diploma at least of Senior High School or equivalent level which is legalized by the authority, is proof of the candidate's requirement fulfillment as stated in Article 7 c;
    - 2) Taxpayer identification number card of the candidate's name, receipt of the submission of annual taxpayer's personal income tax return on behalf of the candidate for the last 5 (five) years, which proof is by a certificate of non-tax arrears from tax office where the candidate is registered. This is proof of the fulfillment of the candidate's requirements stated in Article 7 m;

Besides the requirements listed above, the requirements to become a Local Elections' participant also need the following documents:

- a) A statement letter, which is made and signed by the candidate him/herself, as one of the proof of fulfillment of the requirements as stated in Article 7 a, b, g, h, n o, p, q, s, t, and u;
- b) Verification letter of:
  - 1) The result of physical, mental and drug-free checkup from a team which consists of



- 3) Electronic ID card with citizen identification number;
- e) A list of personal history which is made and signed by individual candidates and for candidates which are nominated by Political Parties or a coalition of Political Parties, assigned by the candidate, the leader of the Political Parties and the leader of the coalition of the Political Parties;
- f) Newest photo of the Governor and Vice Governor Candidate, Regent and Vice Regent Candidate and Mayor and Vice Mayor Candidate;
- g) Script of the visions, missions and programs of the Governor and Vice Governor Candidate, Regent and Vice Regent Candidate and Mayor and Vice Mayor Candidate;

Regarding the required documents such as education diplomas, there are mass media reports which have discovered that many Local Elections participant candidates actually falsify the data in order to fulfill this requirement.

Basically, the act of data forgery is an illegal act punishable under Article 177A paragraph 1 Law No. 10 Year 2016 which states: "Every person who intentionally acts against the

law by falsifying data and list of voters as referred to in Article 58, may be sentenced to a term of imprisonment of between 12 (twelve) months and maximum 72 (twenty two) months and a fine of at least IDR 12.000.000,- (twelve million rupiahs) and a maximum of IDR 72.000.000,- (seventy two million rupiahs)."

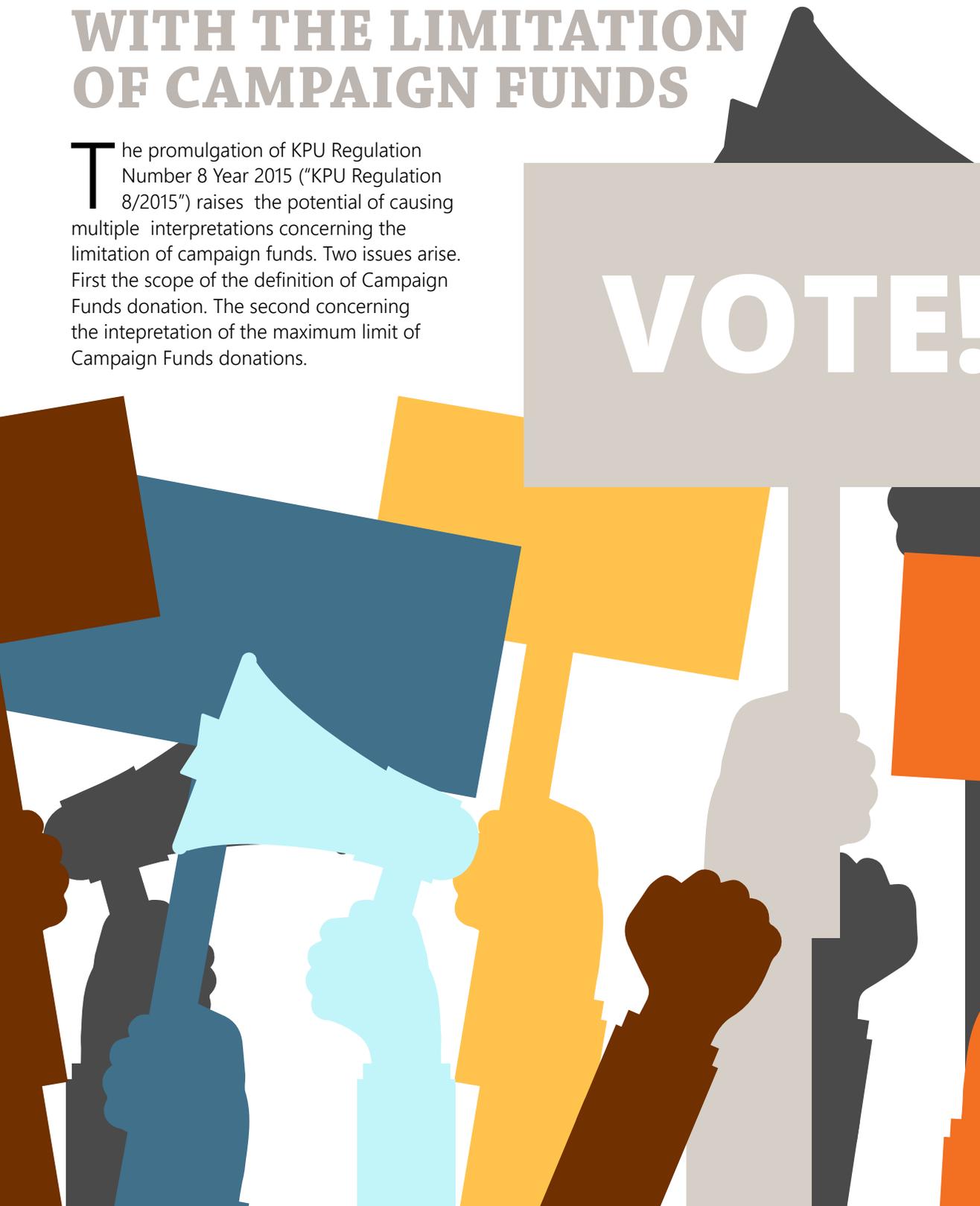
Therefore, if a Local Elections' participant candidate is found or knowingly uses a fake diploma or data, then he/she may be sentenced to prison and ordered to pay the fines. In line with the Article 177A section (1) Law No. 10 Year 2016, The Criminal Code (KUHP) regulates the crime of data forgery in Article 263 paragraph 1 and paragraph 2, which states:

(1) Any person who forges or falsifies a writing from which and title, a contract or a release from debt may arise, or which is intended to serve as evidence of a fact, with intent to use or to cause others to use it as genuine and unfalsified, shall, if from the said use may result an injury, being guilty of forgery of writing, may be punished by a maximum imprisonment of six years.

(2) Any person who with deliberate intent makes use of the false or falsified writing as if it were genuine and unfalsified, and if from the said use may result in injury shall be liable to the same punishment. **(EDN)**

# AMBIGUITY IN REGULATIONS DEALING WITH THE LIMITATION OF CAMPAIGN FUNDS

The promulgation of KPU Regulation Number 8 Year 2015 ("KPU Regulation 8/2015") raises the potential of causing multiple interpretations concerning the limitation of campaign funds. Two issues arise. First the scope of the definition of Campaign Funds donation. The second concerning the interpretation of the maximum limit of Campaign Funds donations.

A stylized illustration of a crowd of people. In the foreground, several hands are raised, holding various signs and a megaphone. The signs are in shades of brown, blue, yellow, and orange. One prominent sign in the upper right is grey with the word "VOTE!" written in large, white, bold letters. The background is white, and the overall style is flat and graphic.

VOTE!

Before we get into the first point of explanation, it is necessary to explain the background of the issuance of KPU Regulation 8/2015. This regulation is being promulgated as the follow up to Perppu Number 1 Year 2014 concerning Governor, Regent and Mayor Elections (“Perppu 1/2014”). It is understood that the decision to stipulate Perppu 1/2014 into Regulations by Law No. 1 Year 2015 as amended by Law No. 8 Year 2015 was based on the legal vacuum that could not be resolved by making the regulation through normal procedure.

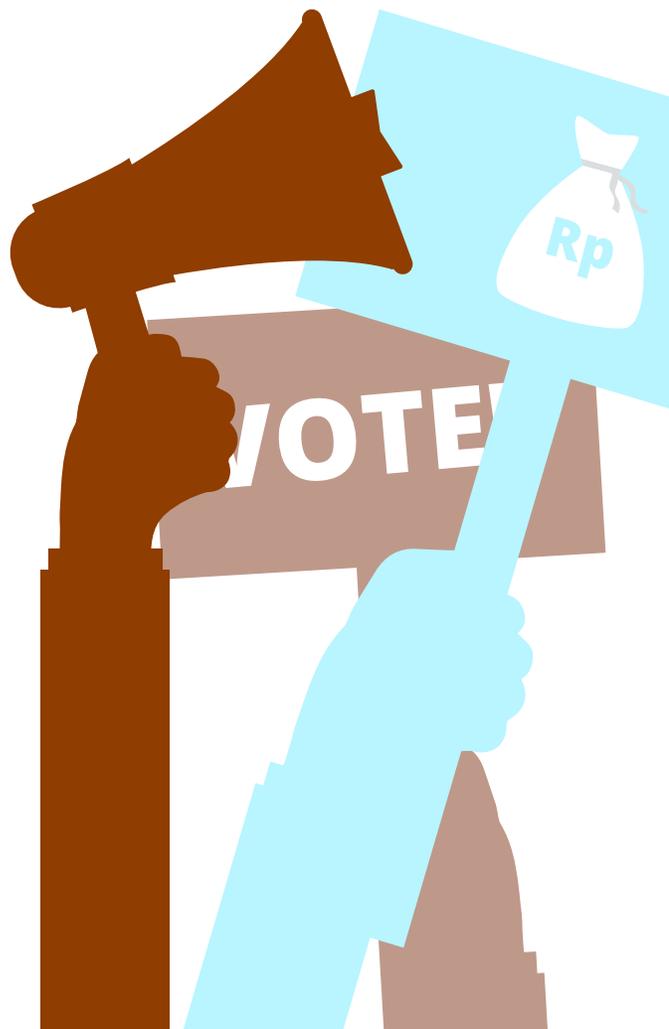
As inferior regulation, KPU Regulation 8/2015 ideally should not contradict a more superior regulation, which is Perppu 1/2014. The question is, does KPU Regulation 8/2015 contradict with Perppu 1/2014?. In this writer’s opinion, there is no explicit contradiction between those two regulations. However, if we look more closely, then it can be seen that there is a potential conflict that might occur in future implementation.

The first issue is regulated in Perppu 1/2014 concerning the source of funds for each candidates pair. Then, Perppu 1/2014 does not define the meaning of Campaign Funds donation. The question arises whether it only includes funds/money or does it also include goods/services that are not accountable as money. Moreover, Perppu 1/2014 limits the donation from individuals to a maximum of IDR 50.000.000,- (fifty million rupiahs). Meanwhile, donations from collective or private corporations are limited to IDR 500.000.000,- (fifty hundred million rupiahs).

With the intention to clarify this issue, KPU Regulation 8/2015 then defines the scope of what is Campaign Funds, including i) money ii) goods and/or iii) services. These matters raised a bigger problem concerning the maximum limit of donation. In the event that Campaign Funds donations are in the form of money, the value is clear enough. The same cannot be said for donations in the form of goods. The law stipulates that the value must be compared with the market price for such goods by the

way of appraisal. The method to measure the value of donation in the form of services is debatable. Every single person may determine the value of his/her services subjectively. With the same scope, there is a possibility that the value assigned is different if the services are done by a different person. Therefore, the expansion of definition of Campaign Funds that include money, goods and services has created legal uncertainty for the candidate pairs in relation to the maximum limit of donation.

Based on these matters, it is the writer’s view that ideally, the limitation about the value of Campaign Funds should only be limited to the donation in the form of money to create legal certainty for the candidate pair. Furthermore, the main regulation Perppu 1/2014 does not specifically state that the Campaign Funds include money, goods and services.





# TAX WRITE-OFFS ON BAD DEBTS

Approaching the deadline of 2018 tax filing, taxpayers are obliged to file their income tax returns to the Directorate General of Taxation. In principle, taxable income is made up of gross income that has been deducted with expenses. One of the expenses that can be used as the basis to deduct gross income is bad debt expense.

d. there is an acknowledgement from the debtor that a certain amount of debts have been erased, which is proven by a written copy of the document that contains the acknowledgement of the action at the time of submission to the Directorate General of Taxation.<sup>5</sup>

Below are requirements that need to be fulfilled for bad debts to be deductible from gross income:<sup>1</sup>

1. The debt must have been treated as an expense in the commercial income statement
2. The Taxpayer must submit a list of bad debts to the Directorate General of Taxation in the form of a hard copy and soft copy
3. The bad debt:
  - a. and the problems concerning its recovery have been submitted to the District Court or government institution that is handling the state's payable debts. This is proven by the copy of recovery proof to the District Court or government institution that is in charge of handling the state's payables;<sup>2</sup> or
  - b. have a written agreement concerning the debt relief/write off between relevant creditors and debtors, that shall be proven by a copy of the written agreement that has been legalised by a notary at the time of the submission to the Directorate General of Taxation;<sup>3</sup> or
  - c. a debt that has been published in a general or special publication, proven by copy of the publication proof at the time of the submission to the Directorate General of Taxation;<sup>4</sup> or

Furthermore, the provisions contained in Ministry of Finance Regulation 2017/2015 provides that the preceding requirements in point 3 above does not apply to the receivables that clearly cannot be recovered from small debtors<sup>6</sup> or the other small debtors. In other words, the receivables that clearly cannot be recovered from small debtors are the receivables which do not exceed Rp. 100.000.000 (One hundred million rupiahs),<sup>7</sup> while the receivables that clearly cannot be recovered from other small debtors are the receivables which amount do not exceed Rp. 5.000.000,- ( five million rupiahs).<sup>8</sup>

In addition to comply with the requirements of number 3 in above, the submission of a list of receivables that clearly cannot be recovered to the Directorate General of Taxation must be enclosed by tax annual notices (SPT),<sup>9</sup> and the identity of the debtor in the form of (i) name; (ii) the taxpayer's principal number (not mandatory for accounts that are clearly cannot be recovered which comes from the debt ceiling up to Rp 50,000,000); (iii) addresses; (iv) the number of ceilings money given; and (v) the amount of receivables that clearly cannot be recovered.<sup>10</sup>

**(KBA)**

1. Section 3, sub-section (1), Regulation of Minister of Finance No.207/PMK.010/2015. 2. Section 4, sub-section (2), Regulation of Minister of Finance No.207/PMK.010/2015. 3. Ibid. 4. Ibid. 5. Ibid. 6. Section 3, sub-section (2), Regulation of Minister of Finance No.207/PMK.010/2015. 7. Section 3, sub-section (3), Regulation of Minister of Finance No.207/PMK.010/2015. 8. Section 3, sub-section (4), Regulation of Minister of Finance No.207/PMK.010/2015. 9. Section 4, sub-section (3), Regulation of Minister of Finance No.207/PMK.010/2015. 10. Section 4, sub-section (1), Regulation of Minister of Finance No.207/PMK.010/2015.



## MEASURING THE URGENCY AND PREPAREDNESS OF INDONESIAN LAW IN CONDUCTING ELECTRONIC BASED GENERAL ELECTIONS

**A** General Election is the heartbeat of democracy. Many view this year as the political year that would determine the rhythm of the democracy heartbeat of Indonesia. This year, Simultaneous Local Elections will be held. However, the simultaneous Local Elections is not only a battle of politics but also a warm up of the plan to modernize the general

elections system. One of the ideas to modernize Indonesia's general elections system is to hold an electronic based general elections, or commonly known as e-voting.

Every General Election in Indonesia has tended to generate several highlights. The first spotlight this year concerns the extravagant

funds needed to hold the general elections. For example, this year's Simultaneous Local Elections are predicted to cost more than 15 trillion rupiah.<sup>1</sup>

The second spotlight concerns the transparency of the election results, and the long period between votes' calculation and recapitulation. Using the previous elections as a learning experience, it is clear that many loopholes still exist. Each stage that happened in the polling stations, village or sub-district committee, district level, regency/town's recapitulation, province until the final tally at national level is done by KPU Pusat. The number of stages involved in the votes recapitulation and verification make it extremely plausible for distortions to happen in each stages. This results in a large number of elections result disputes.

The discourse of modernizing general elections have existed since the 2014 General Election, with the possibility of holding electronic based general elections. However, that discourse was put on hold because of regulatory obstacles. In the end, the only step that KPU had taken to modernize general elections was by implementing the real count system or e-counting. But, this system was only used as a basis of comparison or as a second opinion, with manual vote recapitulations as KPU's main source in deciding the results of the general elections.

### Regulation Development

In reality, Indonesia already has the legal basis for e-voting. In fact, Article 5 of Law Number 19 of 2016 juncto Law Number 11 of 2008 regarding Electronic Information and Transaction (UU ITE) can be used as the basis to hold e-voting. However, UU ITE does not specify the scheme of technology development, or particularise the electronic technology to be used as a basis for such a scheme.

In terms of digital democracy, Indonesia can claim some progress. The momentum to modernize Indonesia's general elections' system started in 2010. At that time, the implementation of e-voting was held for the first time in the election of Village Head in the Regency of Jembaran, Bali. Although the implementation was successful, it did not mean that the e-voting was free from legal issues. The preceding year, The Regent of Jembaran and several head villages proposed a constitutionality review to the Constitutional Court of the Republic of Indonesia (MK) in order for the e-voting to be regarded as constitutional. The MK responded by agreeing on the legality of the e-voting process, based on its decision numbered 147/PUU-VII-2009. The MK decided that e-voting were constitutional as long as it abided by the principles of general elections, which is LUBER (direct, free and confidential) and JURDIL (honest and fair). Furthermore, the MK also stated that in order to hold e-voting, the General Elections committee in that area must be prepared. This historical MK decision has become the main reference to hold e-voting.

Another legal instrument that can be used as the basis to hold e-voting is Regulations Number 10 Year 2016 concerning Government Regulation in Lieu of Law governing Election of Governor, Regent and Mayor into Law ("UU No. 10 Year 2016"). Article 85 of this Law clearly provides that voting can be done through electronic voting machine.

### Answering the Challenges of Digital Democracy

Although legal instruments concernig e-voting already exist, it is not easy to implement e-voting in general elections in the near future. Indonesia is still constrained in terms of basic infrastructure (such as electricity and internet connection) and there is also the problem of distributing the technical equipments for e-voting.

1. <http://nasional.republika.co.id/berita/nasional/politik/17/12/08/p0n12a409-kpu-kebutuhan-biaya-pemilu-2019-capai-angka-rp-15-triliun>, accessed 1st March 2018

Another challenge that will be encountered is public's skepticism about the citizenship database and cyber security. In order to implement e-voting, the basic requirements include a qualified citizenship databank and capable voters records. Digital security enterprise McAfee, previously conducted a study that showed that online general elections was not as popular because of low trust issues from the public regarding security.<sup>2</sup> However, there are now advanced technological developments, as seen by enhanced security in online financial transactions. It is envisaged that the security issues of e-voting are likely to be overcome. Therefore, KPU needs to consider the option of opening up to the possibilities of partnering with technology firms, including

digital security enterprises. This has been done previously by Estonia and Switzerland in their general elections. Besides technical preparation, KPU should also establish solid operative regulations to answer those challenges.

In the end, e-voting is not just an event of picking a favourite winner such as in a talent show. More than that, consensus and collective work is necessary to prepare adequate facilities and infrastructures. E-voting is not only about technology but also our preparedness to improve our legal framework, move the political wills of the ruler, and trust from public to use technology. Thus, e-voting will be the instrument to keep the rhythm of our democracy heartbeat live and well. **(MSB)**



2. <https://securingtomorrow.mcafee.com/consumer/consumer-threat-notice/hack-the-vote-pros-and-cons-of-electronic-voting/>, accessed 1st March 2018.

# PROBING THE INFORMATION MEDIA CAMPAIGN REGULATIONS

The development of information technology has assisted people in accessing information. The convenience of access has aided General Election Participants<sup>1</sup> in presenting their political education to the people. This has also made it easier for General Elections Participants to convey their visions, missions, and campaigns for the programs that become their aspirations. This article will discuss the role of electronic information media, such as online media, social media or broadcasting station ("Information Media") as the campaign tools for the General Elections Participants.

In general, a political campaign is regulated by Law Number 7 of 2017 governing General Elections ("General Elections Law"). The General Elections Law defines Campaign as the act of General Elections Participants or other parties appointed by General Elections Participants to convince voters by offering visions, missions, programs and/or the image of General Elections Participants. Campaigns through the use of television, radio or other electronic media is allowed under Article 275 section (1) (f). Furthermore, the General Elections Law specifically regulates that General Elections that use information media may be in the form of writing, audio; visual; or the combination of writing, audio and visual that is narrative, graphic, character, interactive, or non-interactive and can be received by a message receiver.<sup>2</sup>

Information media must be fair and balanced to every General Elections participant in covering the campaign. In terms of advertisement, Information Media must give the same opportunity to General Elections Participants in containing and broadcasting their General Elections Campaign's

advertisements. Advertisements that contain Campaign elements through the means of television broadcast can only be made for as much as 10 (ten) times a day with a duration of 30 (thirty) seconds at most for each campaign advertisement. Meanwhile, advertisements through the means of radio broadcasts can only be done for as much as 10 (ten) times a day with duration of 30 (thirty) seconds at most for each campaign advertisement.



In addition to the obligation to adhere to advertising ethics and regulations, Information Media is also obliged to abide to the prohibitions stipulated in the General Elections Law. The prohibitions provide that : (1) Information Media is prohibited to sell blocking segment and/or blocking time for General Elections Participants, (ii) Information media is prohibited to accept sponsored programs in any segments that can be categorized as General Elections campaign advertisement, and (iii) Media Information is prohibited to sell any advertisement spot that is not utilized by one of the General Elections Participants to another General Elections Participant.

However, there are no for parties who violate the regulations concerning campaign in the General Elections Law. Thus, in order to create Information Media that will educate the people and have a sense of responsibility, it is important for stricter penalties to be implemented normatively and practically to construct an ideal and fairer democracy for General Elections Participants. The principle that the highest power must lie in the hands of the people in The Unitary State of Republic of Indonesia must be upheld. **(KSF)**

1. Consist of: Political Party, Candidates for legislative members, candidates for regional and provincial head, as well as presidential candidates.

2. Section 287, sub-section (2), Indonesian Election Law



CONNECT



ANGGRAENI AND Partners

[www.ap-lawsolution.com](http://www.ap-lawsolution.com)

TENDEAN SQUARE KAV. 17-18  
Jl. Wolter Monginsidi No. 122-124  
Kebayoran Baru, South Jakarta  
Indonesia – 12170

PHONE : +62-21-72787678, 72795001

FAX : +62-21-7234151

EMAIL : [connect@ap-lawsolution.net](mailto:connect@ap-lawsolution.net)