

THE ROLE OF BAWASLU IN MONITORING CHILDREN'S INVOLVEMENT DURING THE 2019 SAMARINDA CITY ELECTION CAMPAIGN

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ABSTRACT

Due to the researcher's interest and concern for child protection in the political realm, especially the involvement of children in election campaigns, the researcher wants to know how legal protection is for children during the campaign period during the simultaneous elections held in 2019, because the researcher considers this matter very urgent to be discussed by the public. There is also a lack of socialization from election management institutions including Bawaslu as a supervisory institution regarding children who should be protected before the democratic party which is held every 5 years per term of office. The research method used in this research is an empirical normative research method because it uses in-depth study, requires a legal or normative approach as well as experience or observations in the field, looking at the role of related institutions and their impact on society, especially on children. Apart from that, in this research the author uses descriptive qualitative data analysis with a discourse analysis approach, this analysis technique is used by the author to analyze people's interactions, discourse analysis focuses more on the social context where communication occurs between respondents and researchers, then describes the data obtained in the form of explanations and sentence descriptions. The results obtained from this research can be concluded that Bawaslu or the Samarinda City Election Supervisory Agency as a supervisory institution and as one of the election organizers has an important role in supervising children's involvement because Bawaslu is the one who is in direct contact with the various stages of the election monitoring process, including the ongoing campaign. There are various obstacles faced by Bawaslu so that in exercising its authority it is not optimal, the steps that Bawaslu must take in supervising children's involvement are to strengthen synergy with the community and the Gakkumdu Center or Integrated Law Enforcement Center and implement child-friendly campaigns. The involvement of children in the campaign, especially in the 2019 Simultaneous Elections, is an act that violates the law as regulated in Law of the Republic of Indonesia No. 23 of 2002 which was amended to become Law of the Republic of Indonesia No. 35 of 2014 concerning Child Protection, which was then also regulated in the Republic of Indonesia Law. Indonesia No. 7 of 2017 concerning General Elections, further supervision of campaigns is regulated in Bawaslu Regulation No. 28 of 2018 concerning Supervision of General Election Campaign Stages, because this research was conducted in Samarinda City, Samarinda City Regional Regulation No. 10 of 2013 is also included in it.

Keywords: *Bawaslu, Child Involvement, Campaign*

A. INTRODUCTION

In preparing the nation's next generation, children are the main asset. Child development from an early age is the responsibility of the family, society and state. The process of children's growth and development is greatly influenced by various factors, including biological, psychological, social, economic and cultural, which cause children's rights to not be fulfilled. To overcome the problems faced by children, the Child Protection Law (UU) has been passed, namely Law no. 35 of 2014 which aims to ensure the fulfillment of children's rights so that

children can live, grow, develop and participate optimally in accordance with human dignity and dignity and receive protection from violence and discrimination in order to create Indonesian children who are of good quality and have noble and prosperous character. As a result of the loss of children's rights, children often become victims in society, children can be used for things that are sensitive and will disrupt the child's development.

Every child born has the right to their parents to receive care, maintenance and upbringing so as to lead them towards maturity. The formation of a child's soul is greatly influenced by the way the child is cared for and nurtured from the time he is born. Children's growth and development requires serious attention, especially during the toddler years. Allah SWT says in the Qur'an regarding child care which reads:

God bless يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنْفُسَكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ وَالْجَارَةُ عَلَيْهَا مَلَائِكَةٌ
عُلُونُ مَا يُؤْمَرُونَ you

O believers, protect yourselves and your families from the fire of hell whose fuel is people and stones. (QS At-Tahrim: 6)

Ali bin Abi Talib, in relation to the verse above, said that what is meant by protecting the family from hellfire is teaching and educating them. Thus, teaching, nurturing and educating children is a means of sending a family to heaven, whereas ignoring these activities in this case leads to negative things, which means plunging oneself into hell.

In order for children to develop well and optimally, they need to receive education and teaching that does not lead to negative things. This education and teaching will equip them to face future challenges. By providing education and teaching to children, it means that parents have given their children protective clothing, so that they can live independently and be able to face the problems that befall them. The Prophet said: "There is no better gift from parents to their children except a good education." (HR. Bukhari).

Legal policies relating to children in each region are different, including in Samarinda City, where the government has issued Samarinda City Regional Regulation Number 10 of 2013 concerning Child Protection, this policy regulates how important it is for children's rights to be protected, so that children are able to enjoy their welfare. In implementing this policy, it can be said that many children's rights are still in the spotlight, including political matters, such as holding general election campaigns and regional head elections. One of the problems that often arises is violations of the code of ethics for organizing elections when carrying out political campaign activities. Very often, carrying out campaign activities involves children. Based on data from the Indonesian Child Protection Commission (KPAI) in 2018, there were 15 types of violations and 34 cases of abuse. Meanwhile, in 2014 there were 248 cases involving children in political campaign activities.

The involvement of children in political campaigns does not really support children's development and of course also violates the child protection law, but we often find that, especially in Samarinda City, children are often used as campaign objects, the nature of children who are still classified as unstable or innocent must be faced with choosing one of the potential running mates who will hold political office. Not only that, during the campaign, children can also become victims of violence by campaign participants. As explained by KPAI Chairman Susanto, Article 15 and Article 76H of Law Number 35 of 2014 concerning Child Protection explicitly prohibit children's involvement in political activities. Involving underage children in political campaigns is contrary to Law Number 35 of 2014 concerning Child Protection.

In particular, children referred to in supervising the implementation of elections are children who do not yet have the right to vote in elections, namely those who are not yet 17 years old or unmarried. This is different from the general definition of children as stated in the Child Protection Law article 1 paragraph 1, namely "A child is someone who is not yet

18 years old, including children who are still in the womb". Open campaigns often involve minors and grandparents.

The success of a campaign can be seen from how many people are mobilized. But that should not be used as a justification for involving minors. During the campaign period, many political parties try hard to mobilize the masses. Sometimes all means are permitted, various methods are taken by political parties (Parpol) in order to gain the most votes in the election process, including involving children.

The location of the political campaign in the city of Samarinda in 2019 is divided into several zones, Zone I is in Samarinda Seberang District, Loa Janan Ilir District, Palaran District and Sambutan District; Zone II is in Sungai Kunjang District, Samarinda Ulu District and Samarinda City. Then, Zone III is in North Samarinda District, Sungai Pinang District, Samarinda Ilir District. The implementation of this campaign often involves children but they are not aware that this violates existing laws, as is the case in one of the campaign location zones in Samarinda Ilir sub-district (Gang Budiman Sungai Dama), the campaign was packaged attractively by candidate pairs to attract votes, after socialization carried out by the candidate pairs, the team of the candidate pairs held a game that gave door prizes to the winners, so that it was not uncommon for children to also be involved in this activity, asking children questions related to political choices that were leaning towards the candidate pair, children's interest in prizes could give an impression separately for children, because of this, children also take part in the campaign, it will be recorded in the child's memory regarding their parents' political choices. Apart from that, children will not hesitate to mention the name of the candidate pair or things related to the candidate pair, even if it is the candidate pair number.

Involvement of children like this can harm the child's psychology, and clearly violates the applicable rules, not only that, many team members also bring their children to the campaign location so that children become victims of pressure from campaign participants, as happened at GOR Segiri Samarinda in 2018. 2019, during the Presidential election campaign, apart from that, the use of political party attributes worn by children, such as the use of clothes and flags, was very widely seen during the campaign. Therefore, this is the reason for researchers to raise the title of this research, that children are obliged and should receive legal protection, especially in politics.

B. FORMULATION OF THE PROBLEM

1. What is the role of Bawaslu in supervising children's involvement during the 2019 election campaign in Samarinda City?
2. What obstacles does Bawaslu face in supervising children's involvement during the election campaign in the city of Samarinda in 2019?

C. RESEARCH METHODS

1. Types of research

The method used in this research is an empirical normative research method because an in-depth study is needed regarding the research title The Role of Bawaslu in Supervising Children's Involvement in the 2019 Samarinda City Election Campaign Period, a legal approach is needed and is based on the experience and observations made by researchers to obtain relevant data. valid regarding this title, looking at the role of election organizers and related institutions and their impact on society, especially on children. In the legal or normative juridical approach, it is carried out based on the main legal material by examining theories, concepts, legal principles related to problems and statutory regulations related to this research. The applicable legal norms are in the form of written positive legal norms formed by statutory institutions, codification, laws, government regulations and written legal norms created by interested parties. This approach is also known as the bibliographic approach, namely by studying books, laws and regulations and other documents related to this research. Then this research also uses an empirical juridical approach which is an

approach carried out by studying law in reality in the form of attitudes, judgments, behavior, which are related to the problem being researched and carried out by conducting research in the field.

The empirical approach does not differ from written positive law (legislation) as secondary data, but from real behavior as primary data obtained from field research locations. This approach is carried out by looking at the realities that exist in practice in the field. This approach is also known as a sociological approach which is carried out directly in the field.

2. Research sites

The location of the research carried out by researchers was at the Samarinda City Election Supervisory Agency Jl. Gn Arjuna No. 7, District. Samarinda Ulu. The author chose directly the institution that handles and supervises cases of child involvement during the election campaign in Samarinda City.

a. Research Instrument

Research instruments are tools or facilities used by researchers to collect data to make their work easier and the results better, in the sense of being more careful, complete and systematic so that it is easier to process. Research instruments are tools for researchers in collecting data. Because this research is qualitative research, most of the research is an instrument. Such as conducting observations, interviews and documentation about activities that occur in the field, then the data is collected so that it can be analyzed.

In this study, the researcher tried to describe the results of interviews in the field. This research focused on matters related to the implementation of legal protection for children in campaigns and the government's role in this matter.

3. Data source

The type of data can be seen from the point of view of the source, distinguishing between data obtained directly from a regulation and that from the field. The data used by researchers in this writing consists of primary legal material, secondary legal material and tertiary legal material, namely:

1. Primary data

The type of data collected by researchers by means of interviews and documentation related to violations that often occur in the political contestation process, especially the involvement of children in the Samarinda City campaign. The author uses this writing to analyze data from the Election Supervisory Agency in Samarinda City and related institutions.

2. Secondary Data

a. In the form of Primary Material

Primary legal materials are binding legal materials. Legal materials consisting of statutory regulations ordered based on the hierarchy of legislative order.

The primary legal material in this research consists of:

- 1) The 1945 Constitution of the Republic of Indonesia resulting from the 4th Amendment;
- 2) Law No. 35 of 2014 concerning Child Protection;
- 3) Law No. 7 of 2017 concerning General Elections;

- 4) Samarinda City Regional Regulation Number 10 of 2013 concerning Child Protection;
 - 5) Bawaslu Regulation No. 28 of 2018 concerning General Election Campaign Supervisors.
- b. In the form of secondary materials

Secondary data sources are defined as legal materials that are not binding but explain primary legal materials which are the results of the opinions or thoughts of experts or experts who study a particular field in particular which will provide guidance on where the researcher will go. What is meant by secondary materials here is doctrines contained in books, theses, dissertations, law journal articles, the internet and so on that are related to this research.

4. Data Collection Techniques

To obtain data, this research used several techniques for collecting it. With the hope that the data obtained is more valid. Data collection techniques are the most important step in research, because the main aim of research is to obtain data.

1. Observation (Observation)

According to Sutrisno Hadi, observation is a complex process, a process that is composed of various biological and psychological processes. Two of the most important are the processes of observation and memory. Observations in this research are used to optimize the researcher's abilities in terms of motives, beliefs, attention, unconscious behavior, habits, and so on. Observation is one of the data collection techniques used in qualitative research. This research uses structured observation, which means that the observations have been designed systematically, regarding what will be observed, when and where.

2. Interview Techniques (Interview)

Data collection techniques include interviews with one or several people concerned. Meanwhile, according to S. Nasution, an interview is a form of verbal communication, which is a kind of conversation aimed at obtaining information. In this research, the author used structured interviews, which means the researcher used an interview guide that had been arranged systematically and completely to collect the data. The interview guide used was in the form of an outline of the problems to be asked. In a direct interview conducted by the author by visiting the office of the Election Supervisory Agency of Samarinda City so that he could get information by listening to explanations that were appropriate to what the researcher asked.

3. Documentation Techniques

Documentation is a source of data used to complete research, in the form of written sources, images (photos) and works, all of which provide information for the research process. Carried out by researchers to collect various forms of written data, images and other works that can be used as analysis in this research and relate to the legal protection of children.

4. Technical Data Analysis

This research focuses on two discussions, namely:

1. Data analysis

After the data is collected and processed, the next activity is data analysis. In this research, the data analysis used is descriptive qualitative analysis with a discourse analysis approach, discourse analysis techniques are used to analyze people's interactions. Discourse analysis focuses more on the social context in which

communication between respondents and researchers occurs, then describes the data obtained in the form of explanations and sentence descriptions.

So conclusions can be drawn inductively, which is a way of thinking from general things and then drawing specific conclusions. From the conclusions that have been drawn, suggestions are then made. In terms of qualitative data analysis, it is the process of systematically searching and compiling data obtained from interviews, so that it can be easily understood, and the findings can be informed to other people.

Data analysis is carried out by organizing data, describing it, arranging it into patterns and making conclusions that can be shared with other people.

2. Data validation

By using a Triangulation approach (validity checking technique) as a comparison, triangulation seeks to quickly test existing data to strengthen interpretations and improve policies and programs based on available evidence.

Triangulation is a way of obtaining data by utilizing something other than the data itself, for checking purposes or as a comparison of the data. By testing information to collect data.

D. DISCUSSION

1. The Role of Bawaslu in Supervising Children's Involvement During the Election Campaign Period in Samarinda City in 2019

In carrying out its duties and authority, the Samarinda City Bawaslu supervises every stage of the election, what the Election Supervisory Body (Bawaslu) does is actually not much different from what election observers or election observers do, namely criticizing, appealing and processing if there are things that are wrong. deviate from the law. However, regarding the handling of cases of alleged election violations, there is a fundamental difference here, because Bawaslu is the only institution that has the right to receive reports, in other words Bawaslu is the only entry point for submitting reports of election violations. As happened in the city of Samarinda, election violation cases seem to become a culture every 5 years, including in the campaign process of election participants, how could it not be, during the campaign it is a stage to seek as many votes as possible in order to achieve victory.

a) Campaign Stage Monitoring Method

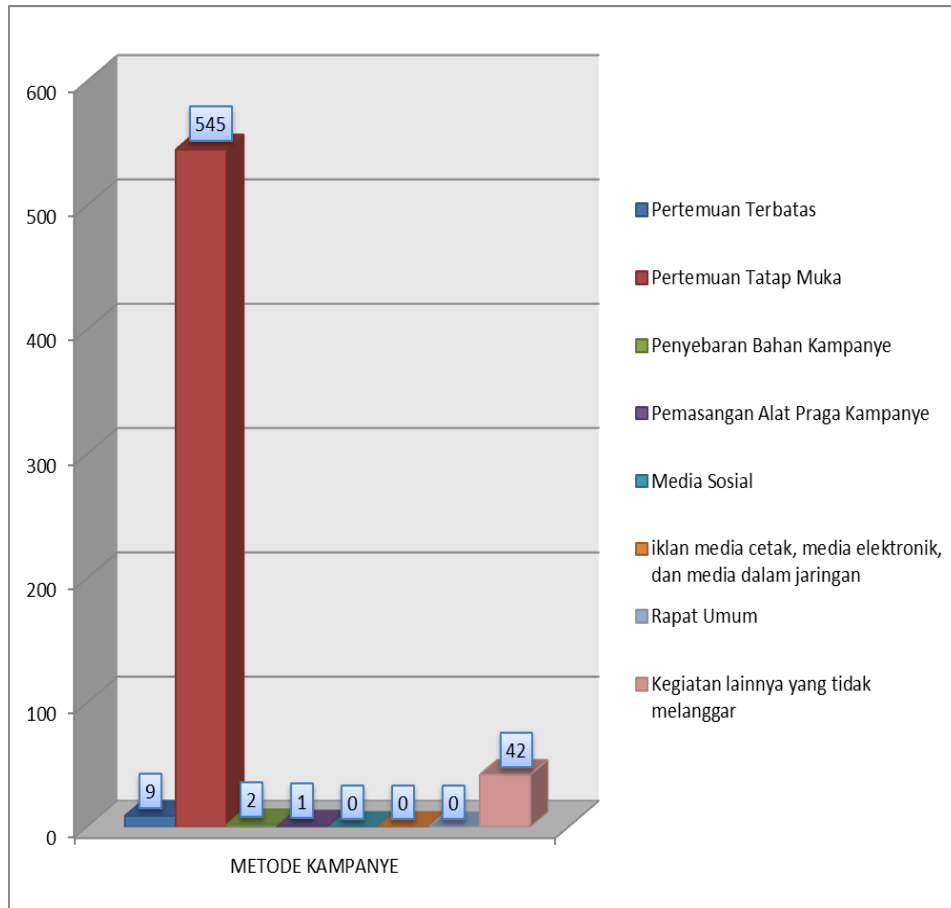
In the implementation of the Samarinda City Bawaslu campaign based on PKPU 7 of 2019 concerning Stages, Programs and Schedules for Organizing General Elections, PKPU 33 of 2018 concerning General Elections and KPU Decree Number 1096/PL.01.5-Kpt/06/KPU/IX/2018 and Republic of Indonesia Bawaslu Regulation Number: 28 of 2018 concerning Campaign Supervision.

Bawaslu City of Samarinda carries out supervision over the stages of the 2019 General Election campaign, where supervision is carried out on every campaign activity of Election participants or other parties appointed by Election participants in terms of convincing voters by offering a vision, mission, program and/or conveying and comparing participants' self-image. election.

During the implementation of the campaign stages, which last for 75 days, all stages are directly supervised by the Election Supervisory Body. Election participants can carry out campaign activities using limited meetings, face-to-face

meetings, distribution of campaign materials to the public, installation of campaign props in public places, social media, print media advertisements, electronic media and online media, general meetings, and other activities that does not violate election campaign prohibitions and statutory provisions.

The campaign stage method is presented in the following table form:



Source: Samarinda City Bawaslu PHL Division

Judging from the table description as released by the Samarinda City Bawaslu in 2019, the campaign stage method that is often carried out by political parties is face-to-face meetings or direct meetings, because the face-to-face method is considered more efficient for candidate pairs to socialize and campaign. himself in influencing the voice of society.

This supervision is carried out with the aim of ensuring that the democratic process in Samarinda City can be carried out in accordance with the principles and objectives of elections as stated in the statutory regulations. Even though there are regulations governing the implementation of campaign stages, all the contents in these articles have not been implemented optimally, especially regarding the involvement of children during campaigns. This is very common and is found when political parties are conducting outreach or campaigns.

Bawaslu as an institution that has the authority to supervise all stages of a campaign should be more sensitive to the modes of political parties including the involvement of children. There are various forms of involvement of children in

campaigns such as using children as campaigners, mass mobilization of children, presenting children on the campaign stage using attributes and political party chants, bringing children under 7 years old into the political arena with the alibi that children cannot be left behind because there is no one to look after them. The participation of children in political activities is very inappropriate, because it is closely related to the nuances of competition, including attacks between political opponents who are in conflict, and it is not uncommon for the truth of the material content of the candidate pairs campaigning to be unknown. However, it is very unfortunate that Bawaslu in terms of monitoring children's involvement in the campaign process is still very limited and less than optimal, so that both consciously and unconsciously, children's involvement during this campaign occurs very often.

b) The Role of the Samarinda City Election Supervisory Board

The big role of the Samarinda City Election Supervisory Agency (Bawaslu) is to carry out prevention and action if there are campaign implementers in carrying out political campaign activities if there is a code of ethics that is ignored. In general, the City Bawaslu's role is to:

1. Supervise the implementation of the General Election campaign and form campaign teams at the district/city level, sub-district level and sub-district/village level.
2. Carry out administrative actions and supervision as stated in the applicable law.
3. Receive reports and take action against suspected violations in the election stages.

Furthermore, in the Election Supervisory Body Regulation (Perbawaslu) No. 28 of 2018 concerning Supervision of General Election Campaigns which explains in article 46 paragraph 2 that in the event of certain Election Campaign violations the Election Supervisor can deliver warnings to Election Participants, Campaign Implementers, Campaign Teams, Campaign Officers, Campaign Participants, Campaigners, and Activity Organizing Organizations to stop certain ongoing Election Campaigns.

Certain election campaign violations as referred to in article 46 paragraph 2 of Perbawaslu no 28 of 2018 can be in the form of:

- a. Installation of Campaign Props outside of schedule;
- b. Unscheduled distribution of campaign materials;
- c. Involvement of children in the Election Campaign stages; And
- d. Vehicle parade.

Based on the findings of an interview with the Head of the Supervisory Division of the Bawaslu City of Samarinda, regarding this regulation, Mr. Muhaimin Iskandar said that cases of children's involvement in campaigns had been discovered in 2010 due to a report, but after that no more findings were reported to Bawaslu City of Samarinda. For the following years, although no reports were received, the facts that occurred in the field were very numerous, because the involvement of supervisors was not sufficient to supervise all campaign zones in Samarinda City.

Head of the Supervisory Division of Bawaslu for Samarinda City, Mr. Muhaimin, emphasized that there is no MOU with the Child Protection Agency in Samarinda City, which has made the supervision process, especially regarding

Children's Involvement in Campaigns, quite hampered, therefore awareness is needed not only for Bawaslu as a supervisory institution which must carry out its duties and authority. and its role is firm and maximal, but awareness is also needed from society, especially parents as the people closest to children.

From the results of discussions conducted by researchers with the Head of the Bawaslu Supervision Division for Samarinda City, when there is involvement of children in the campaign process, the supervisor will give a warning or appeal persuasively or in writing if there is involvement of children, until finally the campaign will be stopped and disbanded if it turns out that it is still involved. child in it. However, the weakness of Bawaslu regarding this is in terms of law enforcement. Bawaslu itself does not have the authority to arrest and impose criminal penalties in the form of imprisonment and/or fines on perpetrators because this is the duty and authority of the police.

Therefore, what the researchers obtained from the interview results can be concluded that Bawaslu in carrying out its authority and role is still very limited in terms of facilities and infrastructure, making Bawaslu unable to work optimally in protecting children's rights during the 2019 election campaign in Samarinda City, especially During the 2019 General Election, the first simultaneous general election was held. In terms of regulations, the principle of legal fiction explains simply that we are all considered to know about the law, to a greater or lesser extent the public certainly knows about the elections, although not in detail. One of the weaknesses of Bawaslu when carrying out outreach is especially at the campaign stage involving children and its protection is still less well-reached, this is where Bawaslu is expected to strengthen cooperation with related institutions, to make it easier for Bawaslu to carry out its duties, and the protection and rights of children can be achieved.

2. Obstacles faced by Bawaslu in supervising children's involvement during the election campaign in the city of Samarinda in 2019

- a) In terms of the Juridical Basis for Children's Involvement in Campaigns in Samarinda City

The 2019 general election campaign period is a big democratic party where elections are held simultaneously. This five-yearly democratic festival definitely involves public participation, including those who are vulnerable to being misused for political activities, namely children. Even though Article 15 point (a) of Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection emphasizes the prohibition on the abuse of children for political activities, in its implementation there is still the involvement of children in campaign activities.

The issue of children's involvement in political contestation is very rarely raised by various parties, this is because children's involvement has not yet become a mass issue and needs attention from all parties, even those who are aware of the existence of Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Laws. -Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection also seems to close its eyes when it sees directly the participation of children in political campaign activities. Likewise, what happened in Samarinda City during the 2019 General Election campaign, campaigns carried out by 16 political parties carried out campaigns or socialization using face-to-face methods so that children were often involved.

Children's involvement that is widely seen is the use of political party attributes such as flags, clothes or accessories related to candidate pairs or political parties, following a series of campaign agendas including singing campaign chants, and it is not uncommon for children to join convoys on the highway.

Based on article 280 paragraph 2 of Law No. 7 of 2017 concerning General Elections, one of the points states that implementers and/or campaign teams in election campaign activities are prohibited from including Indonesian citizens who do not yet have voting rights or the right to vote, in this case including children because they are voters. as intended by the Law is a person who is 17 years of age or older, is married or has previously been married. Meanwhile, according to Article 1 number 1 of Republic of Indonesia Law Number 23 of 2002 concerning Child Protection as amended into Republic of Indonesia Law Number 35 of Child Protection, a child is someone who is not yet 18 (eighteen) years old, including children who still in the womb.

As explained above, all forms of child abuse, including involvement in political activities, constitute a violation of the protection of children's rights, which is clarified by Article 15 of Law No. 35 of 2014 concerning Child Protection as amended by Law No. 23 of 2002 concerning Child Protection that every child has the right obtain protection from abuse in political activities, then anyone who commits these violations or ignores these regulations will be charged in accordance with applicable law, namely as stated in article 76H of Law No. 35 of 2014 concerning Child Protection which states "Everyone is prohibited from recruiting or using children for the benefit of political, military and/or other and leaving children without life protection." Article 87 then confirms that "Any person who violates the provisions as intended in Article 76H shall be punished with imprisonment for a maximum of 5 (five) years and/or a fine of a maximum of IDR 100,000,000.00 (one hundred million rupiah).

Campaign organizers and/or teams involving children are regulated in accordance with Article 493 of Law No. 7 of 2017 concerning General Elections that every Election Campaign implementer and/or team who violates the prohibition as intended in Article 280 paragraph (2) shall be punished with imprisonment for a maximum of 1 (one) year and a maximum fine of IDR 12,000,000.00 (twelve million rupiah)

Based on existing findings related to monitoring children's involvement, researchers see that although the Child Protection Law No. 35 of 2014 regulates in detail the prohibition of children's involvement in the election series or abuse in the political sphere, the contents of this article are deemed unable to minimize children's involvement. in the election campaign stage so that supporting regulations are needed which should specifically regulate children's involvement in politics. Law No. 7 of 2017 concerning General Elections and Perbawaslu No. 28 of 2018 as policies created to become the legal basis for elections in their articles should also contain and include a detailed explanation of the prohibition on children's involvement in politics, especially during the campaign stage.

- b) Strategy for Supervising Children's Involvement During the 2019 Election Campaign in Samarinda City

The monitoring process carried out by Bawaslu is considered to be still limited in that Bawaslu can only impose administrative sanctions with the authority to supervise and follow up on reports relating to alleged violations of election

implementation by examining, reviewing and deciding on violations, both election administration violations and money politics violations. Then, in disputes over the election process, Bawaslu has the authority to receive, examine, mediate or adjudicate, and decide on resolutions proposed by election participants, to be sanctioned by Bawaslu.

The inhibiting factor that makes Bawaslu not optimal apart from the regulatory or policy perspective is in terms of law enforcement authority, outside of its authority Bawaslu does not have the right to take action or impose criminal penalties, namely prison or fines, on campaign organizers who violate children's rights, such as the involvement of children during campaigns. is the authority of the police, so in the elections themselves there is a Gakkumdu Center, hereinafter called the Integrated Law Enforcement Center. is the center of election crime law enforcement activities consisting of elements from Bawaslu, Provincial Bawaslu, and/or Regency/City Panwas, Indonesian National Police, Regional Police and/or Resort Police, and High Prosecutor's Office and/or District Prosecutor's Office. For cases of children's involvement in political campaigns, an important role is needed from the Gakkumdu Center which has the authority to enforce the law. The involvement of the Gakumdu Center is one of the strategic measures to minimize children's involvement during the campaign.

So far, as per the interview process carried out with Mr. Muhaimin Iskandar as Head of the Supervisory Division of Bawaslu for Samarinda City regarding strategies specifically for protecting children's involvement during the campaign, Bawaslu is still preparing what strategies are suitable to be implemented in Samarinda City, because things that are very difficult for Bawaslu to face are how to raise awareness of supervision from the community or from other supporting elements.

Therefore, as reference material, through this research, from the implementation of the campaign, Bawaslu should have carried out continuous outreach from a long time ago regarding the prohibition of children's involvement during the campaign. The campaign participants, both team members and candidate pairs, are expected to maintain the conduciveness of the campaign process, not leading to behavior that is rude or triggers conflict, even campaign materials must pay attention to the content of the material, apart from that there is provision of child-friendly facilities during the campaign for people who are forced to bring their children to the campaign location, for example the provision of child care centers that are not too far away and not too far away. close to the campaign location, so that parents can still monitor their children, as well as of course feeling safe and comfortable for the children.

E. CLOSING

1. Conclusion

Bawaslu has an important role in the scale of protecting children's rights and their involvement in campaigns. Bawaslu is one of the election organizers who has the authority to supervise all stages of the election including the campaign, especially for individuals who involve children in the campaign, not only should they be given administrative sanctions but also criminal sanctions because they are related to violations of children's rights and also child protection. No individual should be taken lightly, if this is ignored it will have an impact on children as the next generation in the future.

Looking at the facts that occur in the field, Bawaslu in supervising children's involvement is still very hampered due to the lack of community participation and the facilities and infrastructure of Bawaslu itself are inadequate and there is even no cooperation

with related elements such as child protection officials, apart from that, especially with participants or campaign teams such as generalizes all participants involved in the campaign as well as the involvement of children, even though we know that according to existing regulations, including Law No. 35 of 2014 concerning Child Protection and even Law No. 7 of 2017 concerning General Elections, it has strictly prohibited all parties from participating. children in the political process because they can have an impact¹²okum¹²veto the child. So anyone who commits this violation will be subject to sanctions according to the applicable authority.

2. Suggestion

- a. Researchers also suggest that there should be a realization of providing campaign-friendly children's facilities, in other words the preparation of childcare or play facilities that are safe and not too close to the campaign location so that parents who cannot leave their children at home alone can leave them in that place.
- b. Carry out outreach and provide understanding to parents who are members of political parties, candidate pairs' teams, and even the public in general who often bring their children to campaign convoys or campaign stages that what they do will have a negative impact on their children. So parents, society and all political elements are expected to be wise in involving children.

BIBLIOGRAPHY

Al-Qur'an

Al Qur'an Terjemahan Kementrian Agama Republik Indonesia

Peraturan Perundang Undangan

Undang-Undang Dasar Negara Republik Indonesia tahun 1945 hasil Amandemen ke-4.
 Undang Undang RI No 35 Tahun 2014 Tentang Perlindungan Anak atas Perubahan Undang
 Undang No 23 Tahun 2002 Tentang Perlindungan Anak.
 Undang Undang RI No 7 Tahun 2017 Tentang Pemilihan Umum.
 Peraturan Daerah Kota Samarinda Nomor 10 Tahun 2013 tentang Perlindungan Anak.
 Peraturan Bawaslu No 28 Tahun 2018 Tentang Pengawasan Kampanye Pemilihan Umum.

Buku

Abdullah, Rozali. Mewujudkan Pemilu yang lebih berkualitas (Pemilu Legislatif). Jakarta : PT Raja Grafindo Persada, 2009.

Jurdi, Fajlurrahman. *Pengantar Hukum Pemilihan Umum*. Jakarta : Kencana, 2018.

Asshiddiqie, Jimly. *Pengantar Hukum Tata Negara*. Jakarta : Rajawali Pers, 2014.

Kansil, C.S.T. *Pengantar Ilmu Hukum dan Tata Hukum Indonesia*, Jakarta : Balai Pustaka, 1989.

Marzuki, Peter, Mahmud. *Penelitian Hukum*. Jakarta: Kencana, 2006.

Muhammad, Abdulkadir. *Hukum Dan Penelitian Hukum*. Bandung: PT. Citra Aditya Bakti, 2004.

Nasution. *Metodologi Research (penelitian ilmiah)*. Bandung: Jemmars, 1991.

Poerwadarminta, W.J.S. *Kamus Umum Bahasa Indonesia*, Cet. IX, Jakarta: Balai Pustaka, 1986.

Prinst, Darwan. *Hukum Anak Indonesia*. Bandung : PT. Citra Aditya Bakti, 2003

Raharjo, Satjipto. *Ilmu Hukum*. Bandung : PT. Citra Aditya Bakti, 2000.

Saebani, Beni, Ahmad. *Metode Penelitian*, Bandung: CV Pustaka Setia, 2008.

- Sambas, Nanadang. *Pembaruan Sistem Pemidanaan Anak di Indonesia*, Yogyakarta : Graha Ilmu. 2013.
- Sambas, Nanadang. *Peradilan Pidana dan Instrumen Internasional Perlindungan anak serta Penerapannya*. Yogyakarta: Graha Ilmu, 2013.
- Sasongko,Wahyu. *Ketentuan-ketentuan Pokok Hukum Perlindungan Konsumen*. Bandar Lampung : Universitas Lampung, 2007
- Setiono. *Supremasi Hukum*.Surakarta: UNS, 2004.
- Soekanto, Soerjono. *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*, Jakarta : Rajawali pers. 2008.
- Subagyo, P. Joko. *Metode Penelitian Dalam Teori dan Praktek*. Jakarta: PT. Rineka Citra, 2004.
- Sugiyono, Metode Penelitian Kuantitatif, Kualitatif, R&D, Bandung: Alfabeta, 2011.
- Sugiyono. Metode Penelitian Kuantitatif Kualitatif dan R&D, Bandung: Alfabeta, 2013.
- Suharsimi. *Prosedur Penelitian Suatu Pendekatan Praktik*. Jakarta: PT Rineka Cipta, 2016.
- Tanzeh, Ahmad *Pengantar Metode Penelitian*, Yogyakarta : Teras, 2009.
- Zuriah, Nurul. *Metodologi Penelitian Sosial dan Pendidikan*. Jakarta: PT. Bumi Aksara, 2014.

Jurnal

- “Laporan Komprehensif Hasil Pengawasan Pemilu Serentak Tahun 2019” Bawaslu Kota Samarinda.
- Amin, Misbahul. “Tanggung Jawab Pelaku yang Mengikutsertakan Anak Dalam Kegiatan Kampanye Politik”. *Jurnal Jurist-Diction*, Vol. 2 No.3, 2019.
- Garner, Bryan. *Black’s Law Dictionary*, ninth edition, St. paul, West, 2009.
- Gosita, Arief. “Masalah Korban kejahatan. Akademindo”, Jakarta: Pressindo, 1993.
- Muchsin, “Perlindungan dan Kepastian Hukum bagi Investor di Indonesia”. Surakarta : Disertasi S2 Fakultas Hukum, Universitas Sebelas Maret, 2003.
- Nawawi, Arief, Barda. “Masalah Perlindungan Hukum Bagi Anak”, Makalah disampaikan pada Seminar Nasional. Peradilan Anak. Fakultas hukum Bandung : UNPAD, 1996.
- OECD Council, *Council Recommendation on The Protection of Children Online* 2012.
- Porta. R. LA “ Investor Protection and Corporate governance” *Jurnal Of financial Economics*”, 2000.
- UNICEF, *Convention on Rights of the Child* 1989.
- Yusuf. “Meyakinkan Validitas Data Melalui Tringulasi”, Surabaya: Staff. Ub, 2012.

Artikel

- Bawaslu Kota Samarinda, “Sejarah Singkat Bawaslu”, <http://samarinda.bawaslu.go.id/>, diakses pada tanggal 23 Juni 2021.
- Elvi Susanti. “Peran Bawaslu Pada Pelaksanaan Pemilihan Legislatif Berdasarkan Undang - Undang Pemilu Tahun 2017”. Vol 7, <https://doi.org/10.1234/jh.v7i2%20Oktober.645>, hlm 87 diakses 25 Juni 2021.
- Hetty Hasanah, “Perlindungan Konsumen dalam Perjanjian Pembiayaan Konsumenatas Kendaraan Bermotor dengan Fidusia”, artikel dari <http://jurnal.unikom.ac.id/vol3/perlindungan.html>.

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Dini Astarina, Lilik Andaryuni, Suwardi Sagama

Nyoman Nata Suryawan, Perkembangan Partai Politik,
<http://purwakaning.com/2013/01/perkembangan-politik-di-indonesia>. html.
. html.