

## The Perspective of Children Right in the Children Mobilization of Political Campaign In Indonesia

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**Abstrak:** Politic cannot be separated by mass mobilization. In several definitions, mass mobilization is also defined as a political campaign. Nowadays, campaign of political party does not pay attention to the regulation. The party involves the children in campaign. There are many children join the campaign. It can be seen when the campaign gathers in a certain place with mass mobilization. There are many children who are interested in campaign like they are watching the concert of *dangdut* music or other entertainments. Besides that, the show of campaign in television also influences the children right. Many children memorize the mars of political party and they always sing it because it is always played in TV advertisement in Indonesia. It absolutely breaks the law no 23 of 2002 and no. 35 of 2014 about children protection. After being investigated, the children memorize the mars of political party from television that is broadcasted massively everyday. This research focuses on how children mobilization in a campaign through the perspective of children right. This research used the approach of law no 23 of 2002 and no 35 of 2014 about children protection. The method of the research used document study from various sources such as media, journal, and other documents. The result of the research shows that many political parties ignore the children right. It is usually found that children join the campaign. The party has not understood the law of general election. The parents also have role to observe their children when they are watching TV because the play of mars of a political party is not appropriate with children right. Therefore, parents must accompany the children while watching TV in order that their right can be accomplished related to politic.

**Key words:** children right, campaign, political party

### 1. INTRODUCTION

Recently, democracy becomes a study that is related to the general election. Indonesia is as a country that highly respects the value of democracy in the implementation in both government and politics. Democracy is developed to emerge the public participation, not a participation of a person or group. The role of public is more respected because they take a part in taking the decision for the public interest. For example, the election of regional chief, regent, governor, and president as a state leader in democratic system must be elected by the citizens. By following the tradition of *Schumpeterian*, this study defines the political system in the 20<sup>th</sup> century as a democracy in which the strongest collective

decision maker is elected through general election fairly, honestly and continuously. In the system, the candidates freely compete to get the votes. Most of the adult citizens have a right to give the vote. According to the definition, democracy consists of two dimensions, namely contest and participation. Robert Dahl also states that the two dimensions become a thing that determines the democracy or politics (Huntington,1995).

One of the pillars of democracy is the principle of *TriasPolitica* that divides the dominance of state politics into 3, namely executive, judicative and legislative. It is realized into three kinds of independent state institution. Its position is same as the others. The equality and independence of the three institutions is needed to supervise and

control each other based on the principle of checks and balances. The concept of democracy becomes a key word in political science. It is a common thing because democracy is known as an indicator of the political development in a state. Democracy is on the vital position in the relation between dominance division in a state (generally based on concept and principle of *TriasPolitica*) and the state dominance from the public that must be used to the welfare and prosperity. The principle of *TriasPolitica* is important because the historical facts note that the big government dominance (executive) cannot create a fair and civilized people. The absolute government dominance sometimes emerges the violation on the human rights.

Politic is not separated from political party. To enter *TriasPolitica*, it must pass politic and mobilization to achieve the aim and the political party must be used as a media. There is an agenda to head to government, namely general election. It is conducted directly by the publics. The characteristic of the general election is general, free, secret, honest and fair. The tenure of the regent, mayor, governor and president is 5 years. The election is conducted by commission of general election. The change of the regulation in direct general election (general, free, secret, honest and fair) will stop the effort of political intervention conducted by the house of representative and regional house of representative who have certain interests. The direct general election will create a good impact in society. It is also expected to encourage the public to take a part in Indonesian politic. This system also makes the politic figures build a good strategy for political campaign. It is aimed to achieve the victory in the general election.

General election is often called as a public party. One of the activities to welcome the general election is campaign.

The success of a campaign is generally measured on the number of the mass involved. Therefore, political party attempts to recruit the mass as many as possible. The mass also consists of the children in a campaign. Political party accidentally plans to involve the children. However, it does not need any plan to involve them.

The children involvement in an opened campaign in general election of 2014 is various. National commission for children protection reveals 15 campaign violations with the children involvement as following; (1) manipulate the data of under 17 age and unmarried children to be registered as an elector; (2) use the several places such as playground, children care and education institution to conduct opened campaign; (3) mobilize the children mass by the political party or legislative candidate; (4) employ the children as a campaign spokesman to elect party or certain candidate; (5) present a child as a main star in a political ads; (6) present the children on stage of campaign as an entertainment; (7) ask the children to put on the attributes of political party; (8) ask the children to conduct payment to the adults in money politic by the political party or legislative candidate; (9) provide them with weapon which is harmful to themselves and others; (10) force and persuade them to do such things that is prohibited in campaign, voting and counting the vote; (11) take them to the opened campaign arena; (12) do the violation in campaign, voting and counting the vote (for example, paint the symbol of political party on children's body); (13) do the degradation, intimidation and discrimination to the children who have different background and political choice; (14) provoke the children to hate the legislative candidate and certain political party and (15) involve the children in the lawsuit of voting result.

It not only happens in 2014, but also in 2018. The trend of children involvement

continuously increases in 171 regions. The campaign of regional chief election has begun since February 21<sup>st</sup> 2018. Along 51 days of campaign in 2018, commission of children protection has accepted 22 reports on children misapplication in political interest (Tempo.Co,2018). 11 cases in politic can be seen in involving the children in mass mobilization by political party. Involving the baby and the under-7 age children can be seen in 4 cases. Three cases have also been proven in using education institution for campaign. 2 cases also use the children as a campaign spokesman. One case also involves the under-17 age children to join the participant of regional head election. One more case brings the children to the stage of campaign.

Based on the several cases above, politic exploitation on the children right becomes a common thing in Indonesia. If we refer to the law of state on law number 35 of 2014, it is the first change of law number 23 of 2002 on children protection. The article 15 states that each child has a right to get protection on political activity. The article 15 of children protection law mentions that each child has a right to get protection from misapplication in political activity. The article 76 H states that each person is prohibited to recruit the children for military interest and let them join without any physical protection. This research wants to know the political violation that involves children and the government's action to solve and fix the democracy.

## 2. METHODOLOGY

This research belonged to library research. Library research is a step of research that concerns with method of library data. In other words, the object of the research is obtained through various library information (book, encyclopedia, scientific journal, newspaper, magazine, and

document (Nana Syaodih,2009). Library research or literature review is a research that critically reviews on science, ideas, and findings in academic oriented literature, and formulates the theoretical contribution and methodology on a certain topic (Cooper and Taylor in Mohammad Imam Farisi. 2010). Library research focuses on finding several theory, law, argumentation, principle and ideas to analyze and solve the questions of the research. The characteristic of the research is descriptive analysis. This analysis is conducted by reducing the data. Then, it is provided with good understanding and explanation to the readers.

## 3. THEORY

### Campaign

There are many definitions of campaign proposed by the communication scientist. Snyder (2002) in Venus (2004) defines that communication campaign is an organized communication activity which is directly aimed to certain people in a certain time to achieve a particular aim. Pfau and Parrot (1993) in Venus (2004) also defines a campaign as a conscious activity to support and improve the organized process in a certain time to influence certain people.

The definition of campaign on law number 1 of 2015 about the general election of *house of representative, regional representative board, and regional house of representative* in the article 1 of 26 is that the activity of the participant in the general election is to persuade the voters by offering the vision, mission and program of the candidate. Rogers and Storey (1987) defines a campaign as an action of organized communication to create certain effect in public and conducted continuously in a certain time. Bebe Rapa, a communication expert admits that the definition by Rogers and Storey is the most popular and can be accepted by communication scientists. It can

be summarized that campaign is a common thing in society.

### **Children protection**

The opened campaign of legislative and regional head to welcome general election will be conducted in a few times. Like the previous election, many children are involved and abused in a political activity especially in campaign. They become the victims of physic, wound, injury, and mobilization.

The issue of law of children involvement in political party refers to the determination of law of children protection and politic. According to the article 15 of law of children protection; “Each child has a right to get protection in:

1. Abusing in political activity
2. Involving in armed conflict
3. Involving in social disorder
4. Involving in a violated event
5. Involving in a battle

According to article 87 of law of children protection;

“each person who against the law, recruits and abuses the children to a military interest as mentioned in the article 63 (the abuse in political activity and the involvement in armed conflict, social disorder, violated event and battle) as meant in the article 15 will be jailed with criminal law for 5 years and fined at the most of Rp 100.000.000,00 (one hundred million rupiah).

The supervision on the children abused in a political party (article 15) is implied on criminalization (article 87). Therefore, it is not wrong in formulating the concept and limitation of action technique. It needs to be done because an action can be criminalized if it is decided by law or applied using legality principle. Therefore, a criminalized action can be applied if the action has obvious concept and limitation action because it needs law certainty.

### **Discussion&Result**

The campaign involving the children increases day by day. It can be seen during 51 days of campaign in 2018. National commission for children protection has accepted 22 reports on children abused for political interest. In the article 15 and 87 on children protection concerning with the children abused in political party, it needs to identify and make a limitation or conceptualization on;

1. Abuse (children)
2. Political activity
3. Against the law

Therefore, to make a law certainty and avoid the law risk and mistake in supervising and advocating the children abused in political activity, it needs to give limitation and exclamation on the three things above. It concerns with several considerations. *First* is conceptual limitation of children abused. In the article 15 on children protection, the prohibited action is child abused. It belongs to an exploitative action. Therefore, commission of general election makes a guidance that can distinguish the action that belongs to a child abused and which one is not (an action that can be tolerated as a true action) and which one belongs to the expression of children participation.

*Second* is conceptual limitation of political party. In the article 15 on children protection, it needs to give conceptual limitation in “political activity”. Whether the political activity is defined as “political campaign”, “direct campaign in opened field”, “the involvement in political advertisement”. In the definition of practical politics, the limitation of “political activity” is quite opened and has wide meaning. It consists of dangerous and massive activity like the opened campaign with entertainment that involves a huge mass. Nevertheless,

political activity can also be a limited meeting in a limited and comfortable place.

*Third* is observing the variation and dimension of political advertisement. We must be careful in criticizing the political advertisement because the children are shown in various ways. We must make sure whether the children are abused in political advertisement. In the observation we conducted, there are political party that:

- a. Involve the children as the main star, additional role or supernumerary who presents for a moment in political advertisement.
- b. Involve the children as a spokesman to elect certain party (through expression, verbal and acting). They are supposed to be a campaign spokesman in certain political party
- c. Involve the children as an object of political issue described in political advertisement, for example, the need of children social prosperity, children education, children health and protection.
- d. It needs an investigation whether the children are abused in the advertisement. If they are legally contracted to do such advertisement with the production house, we do not need to define it as an abuse as mentioned in the article 15 of law of children protection. They can be a passive or main star in the advertisement. It means we must not hurry to judge them.

*Fourth* is campaign and political activity. National commission for children protection not only uses the article 15 but also law number 10/2008. In the article 84 section 2 (J) number 10/ 2008, the prohibited activity for non-electors is defined as “campaign activity”. Meanwhile, the article 15 mentions the term of “political activity” is quite different with “campaign activity”. It is wrong to state that “political campaign” is only a “campaign activity”. It

will be harmful if the children are asked to put on the attribute of political party such as flag and billboard. On the other side, if the children are asked to be the campaign spokesman in an advertisement, both political party and TV station head will be criminalized using the term of “each person” in the article 87 in law of children protection.

*Fifth* is person’s limitation and campaign organizer. In the article 87 on children protection, somebody can be punished if they break the article 15. In law number 10/2008 (article 84 section 2 J), somebody who will be jailed is not the agent but the campaign organizer. We must be careful in determining the actors who break the law. The campaign activity is not only conducted by legal organizer but also hidden team which commonly happens in practical politics.

From the above analysis, the government through national commission for children protection has an interest related to the issue of children protection in democratic process. There are several hopes in the democratic process of regional head election. *Firstly*, according to the law number 35 of 2014 about the change of law number 23 of 2002 reveals that state, regional government, public, family and parents has a duty and responsibility to the implementation of children protection. Therefore, the candidate of regional head is expected to concern the issue of children protection in their campaign program.

Commission of children protection asks the organizer of general election and the participants of regional head election to present “child friendly campaign”. They are also asked to prohibit any abuse in children protection. It is appropriate with the article 15 point *a* in law number 35 of 2004 about children protection. Each child has a right to get protection from the abuse in political party. The violation of children abused is

regulated in the article 87. Somebody can be jailed for up to 5 years and fined at most of one hundred million rupiah. The candidate of the regional head is encouraged to ask their supporter to protect their children in the process of election for 5 months. The supporters must protect and prohibit the children involvement in a closed or limited campaign and in social media. Children can imitate what they hear and see. Therefore, it must be prevented because the campaign situation can block their growth. It is expected that democratic process can give good examples in democracy. The campaign must be friendly for children to take care of the children growth.

*Secondly*, national commission for children protection asks the parents to educate their children concerning to the bad issue in campaign process. *Thirdly*, the children right to vote (between 17-18 years) must be ensured in the list of potential voters. The data must have been submitted by the ministry of home affairs to the commission of general election. National commission for children protection will coordinate with the commission of general election related to the voting right of the young voters (age 17-18). Their participations must be ensured to be noted in the list of permanent voters. The friendly child campaign is also a part of the supervision of national commission for children protection. National commission for children protection will also coordinate with the institution of election supervisor related to the campaign that involves the children. It also includes the children protection in index of election vulnerability compiled by the institution of election supervisor. Many regions also become a conflict potential in regional head election of 2018.

#### 4. CONCLUSION

Political conflict is a kind of democratic practice. Politic is not separated from political campaign to accommodate the mass of the political party and candidate. Indonesia as a democratic state has many political conflict, for example in general election and regional head of election. The agenda of election in Indonesia is started by doing the campaign to show the existence of a party and their supporters. However, the main problem is the children involvement in the campaign.

The children involvement in the campaign will be a problem because it breaks the law in Indonesia. It is appropriate with the article 15 point *a* number 35 of 2014 on children protection. Each child needs to get protection from the abuse in political activity. However, the political party still asks the children to join the campaign. Therefore, the government through the national commission for children protection gives the notification to the political party not to invite the children in campaign. Fine and punishment will be given if the children are involved in the campaign. The parents are also asked not to invite their children in political activity.

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