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Implementation of Magelang Regent's Regulation No. 22 of 2014 on Advertisement Permits in Magelang Regency

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Abstract

Advertisement permits matter for the orderly appearance of a regency and for regional revenue, yet unlicensed banners, billboards and flags stand along almost every road in Magelang Regency. This article asks how Regent's Regulation No 22 of 2014 on Advertisement Permits is implemented and what hinders it. It is empirical legal research with a sociological approach. Data come from interviews recorded in 2023, observation of a Civil Service Police Unit (Satpol PP) enforcement team in Muntilan sub-district and official documents, and each of Edwards III's four factors, communication, resources, disposition and bureaucratic structure, is assessed in turn. Implementation is not yet optimal. Information from the One-Stop Investment and Integrated Services Office (DPMPTSP) is clear and consistent, but it does not reach advertising firms; enforcement staff are too few for the size of the regency; and advertisers often ignore the permit rules because they expect uncontrolled banners to be removed in any event. The Regulation offers only administrative sanctions, and as a regent's regulation it cannot add criminal penalties. The study recommends regular outreach by DPMPTSP, a risk-based patrol plan and more staff for Satpol PP, and a review of the Regulation against the licensing and regional tax rules enacted since 2014.

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Keywords

Implementation; Advertisement; Permit; Enforcement; Regulation; Magelang

Introduction

Advertisements shape the look of a town and bring regional revenue, but unlicensed ones clutter roads, trees and public facilities. In Magelang Regency, which lies between Yogyakarta and Semarang and includes the Borobudur National Strategic Area, banners, billboards and flags without permits are found on nearly

every road. Control of advertisements rests on a chain of rules. Regional taxes, including the advertisement tax, are governed by Law No 1 of 2022 on Financial Relations between the Central Government and Regional Governments (the HKPD Law),[1] which is given effect in the regency by Regional Regulation No 12 of 2023 on Regional Taxes and Regional Levies, in force since 1 January 2024;[2] the rental value on which the tax is assessed is set by Regent's Regulation No 82 of 2023.[3] The permit itself is the subject of Regent's Regulation No 22 of 2014 on Advertisement Permits, an implementing regulation made by the regent under the Law on Regional Government,[4] which provides in Article 22(1) that any person or body that operates an advertisement without the permit required by Articles 19 and 20 is subject to administrative sanctions.[5]

Enforcement falls to the Civil Service Police Unit (Satpol PP), which the Law on Regional Government forms to enforce regional regulations and regents' regulations, to maintain public order and tranquillity and to protect the public.[6] Government Regulation No 16 of 2018 repeats the definition in Article 1(1) and, in Article 5(b), describes maintaining public order as the effort that lets government and the public carry out their activities in a peaceful and orderly way.[7] The permit is issued by the One-Stop Investment and Integrated Services Office (DPMPTSP). Two things have changed since 2014. Business licensing is now risk-based under Government Regulation No 5 of 2021, issued to implement the Job Creation Law,[8][9] and the regional tax rules were replaced as described above. The 2014 Regulation was the instrument the agencies applied in 2023, and no repeal was found, but its continued force alongside Regional Regulation No 12 of 2023 should be confirmed by the regency (see the Conclusion). Whatever its status, the question of how it works in practice remains, because a gap between what the rule requires (das Sollen) and what happens (das Sein) is visible on the road.

Earlier studies of advertisement regulation in other Indonesian cities use implementation frameworks like the one used here. A study of Semarang's Regional Regulation No 14 of 2012 found that the policy was not yet optimal and that violations continued, with communication a supporting factor and resources,

[1] Law No 1 of 2022 on Financial Relations between the Central Government and Regional Governments (Indonesia), art 4(2)(d).
[2] Regional Regulation of Magelang Regency No 12 of 2023 on Regional Taxes and Regional Levies (Indonesia), arts 34–39.
[3] Regulation of the Regent of Magelang No 82 of 2023 on the Rental Value of Advertisements (Indonesia).
[4] Law No 23 of 2014 on Regional Government (Indonesia).
[5] Regulation of the Regent of Magelang No 22 of 2014 on Advertisement Permits (Indonesia), art 22(1).
[6] Law No 23 of 2014, *supra* note 4.
[7] Government Regulation No 16 of 2018 on the Civil Service Police Unit (Indonesia), arts 1(1), 5(b).
[8] Government Regulation No 5 of 2021 on the Implementation of Risk-Based Business Licensing (Indonesia).
[9] Law No 6 of 2023 on the Enactment of Government Regulation in Lieu of Law No 2 of 2022 on Job Creation into Law (Indonesia).

bureaucratic structure and disposition constraints;[10] a study of advertisement permits in Palu used the Van Meter and Van Horn model to ask whether the mayoral regulation's objectives were met.[11] Those studies concern city regulations and the permitting authority. This article adds three things: it deals with a regent's regulation in a regency whose traffic is shaped by tourism, it examines Satpol PP enforcement together with permitting, and it asks what legal tools the Regulation gives the agencies and why the sanctions have had little effect. The research questions are: (1) how is Regent's Regulation No 22 of 2014 implemented in Magelang Regency; and (2) what hinders its implementation? The purpose is to explain the gap between rule and practice and to propose measures for DPMPTSP and Satpol PP.

Research Method

This is empirical legal research with a sociological approach, which studies law as practised in everyday life.[12] Legal materials are the statutes and regulations cited above, in particular Regent's Regulation No 22 of 2014. Field data are of three kinds. The first is interviews: interviews were held in 2023 with officials of DPMPTSP and Satpol PP and with a representative of an advertising agency, informants chosen because they take part directly in permitting, enforcement or advertising. The second is observation: the author accompanied a Satpol PP team on an advertisement enforcement operation in Muntilan sub-district. The third is documents, including the regency's annual report on regional government (LPPD) for 2021 and the agencies' organisational and planning documents. Informants are identified in the text by institution only. The data were analysed qualitatively and descriptively. For each of the four factors of Edwards III's model,[13][14] the evidence was classified against the following criteria: for communication, transmission to those who need the information, clarity and consistency; for resources, staff, budget, equipment and authority; for disposition, the commitment of implementers; and for bureaucratic structure, the division of tasks between the agencies. The limits of the data are stated in the Conclusion.

Results and Discussion

[10] Riko Dwi Arnendo & Amni Zarkasyi Rahman, "Implementasi Peraturan Daerah Nomor 14 Tahun 2012 Tentang Penyelenggaraan Reklame Kota Semarang" (2017) 7:1 *Journal of Public Policy and Management Review* 69, DOI: <10.14710/jppmr.v7i1.19069>.
[11] Djabier & Yan Suprandy, "Implementasi Kebijakan Izin Penyelenggaraan Reklame di Kota Palu" (2015) 3:11 *Jurnal Katalogis* 51.
[12] Mukti Fajar ND & Yulianto Achmad, *Dualisme Penelitian Hukum Normatif & Empiris* (Yogyakarta: Pustaka Pelajar, 2010).
[13] George C Edwards III, *Implementing Public Policy* (Washington, DC: Congressional Quarterly Press, 1980).
[14] Agus Subarsono, *Analisis Kebijakan Publik: Konsep, Teori dan Aplikasi* (Yogyakarta: Pustaka Pelajar, 2011).

Setting

Magelang Regency covers 108,573 hectares, about 3.34 per cent of Central Java, and has 21 sub-districts, 367 villages and 5 urban villages.[15] It lies between Yogyakarta and Semarang at the junction of important economic routes and includes the Borobudur National Strategic Area, so its roads carry heavy commercial and tourist traffic. These corridors are where advertisers want to be seen, and the regency's size, with its largest sub-district Kajoran at 83.41 km², makes patrolling them difficult.

Implementation

Two actors implement the Regulation: DPMPTSP, which issues permits in many licensing fields including advertisement and has a licensing flow meant to help the public with administration, and Satpol PP, which supervises and removes unlicensed advertisements. Communication, in Edwards III's sense, has three dimensions: transmission, clarity and consistency.[16] Clarity is good, because the licensing office gives clear information and has a procedure people can follow. Consistency is good, because the agencies keep communicating and use the Regulation as their legal basis. Transmission is not optimal, since the agencies do not sufficiently inform third parties, notably advertising firms. During an enforcement operation with the Satpol PP team in Muntilan, the author found many incidental advertisements (banners, billboards and flags) installed without a permit. A Satpol PP official interviewed in 2023 explained that violations on trees, gates, electricity poles and public facilities, which are unlicensed by definition, occur on nearly every road in the regency.

Enforcement is carried out through area patrols and non-judicial operations to remove advertisements, whenever a violation is found or a complaint is received. From the interviews and the activity of the two agencies the study concludes that the disposition of implementers, especially in enforcement, is as good as it can be, and that both Satpol PP and DPMPTSP need to keep a strong commitment. On bureaucratic structure, tasks are divided between the agencies according to their functions, DPMPTSP licensing and Satpol PP supervision and removal, which avoids overlap. Table 1 sets out the assessment of each factor. The study did not obtain figures on permits issued, violations found, advertisements removed, tax revenue or complaints, so the judgement 'not yet optimal' rests on the testimony of

[15] Pemerintah Kabupaten Magelang, *Laporan Penyelenggaraan Pemerintahan Daerah (LPPD) 2021*.
[16] Edwards, *supra* note 13.

the informants and on what the author observed in the field; it is a qualitative judgement and not a measured rate of compliance.

Table 1. Assessment of Edwards III's factors in the implementation of the Regulation

Factor	Finding	Assessment
Communication: transmission	Agencies do not sufficiently inform advertising firms and other third parties	Not optimal
Communication: clarity and consistency	DPMPTSP gives clear information and a followable procedure; the agencies keep communicating and apply the Regulation as legal basis	Good
Resources: staff	Satpol PP staff responsible for advertisements are too few for the size of the regency	Insufficient
Resources: budget and equipment	Regional-budget funds and equipment of both agencies said to be adequate	Adequate
Disposition	Implementers, especially in enforcement, show commitment; some lack of discipline and understanding of duties noted	Good, with exceptions
Bureaucratic structure	Tasks divided by function between DPMPTSP and Satpol PP	Appropriate

Source: interviews, observation and documents, analysed by the authors.

Hindrances

Sanctions for violations of advertisement permits have not been effective, and the obstacles lie both in the agencies and among advertisers. On communication, outreach to advertising firms is lacking. On resources, the number of Satpol PP staff responsible for advertisements is too few for the size of the regency, which reduces effectiveness, while the budget and equipment of both agencies are said to be adequate. Among advertisers, third parties often do not understand the rules, and an official reported that advertisers or their agencies think that banners across roads need not be removed because they will be removed in the end. The study concludes that the lack of awareness of advertisers in obtaining permits arises partly from reluctance to pay the fee and tax, but this reasoning is illogical, since an unlicensed advertisement risks being removed. These two explanations, ignorance of the rules and unwillingness to pay, call for different remedies, outreach for the first and a higher cost of non-compliance for the second, and the study has no evidence to separate them; it can say only that both were reported. It also notes a lack of discipline and understanding of duties among some implementing officers.

The legal tools matter as much as the attitudes. Article 22(1) provides for administrative sanctions only, and the evidence shows removal as the sanction applied in practice. A regent's regulation is an implementing regulation, and under the Law on Regional Government the criminal penalties and cost-recovery provisions that give a rule teeth may be set in a regional regulation, not in a regent's regulation.[17] The Regulation therefore leaves the agencies with removal alone:

[17] Law No 23 of 2014, *supra* note 4, art 238.

nothing in the materials studied shows a criminal or tax penalty in the Regulation itself, a fixed time limit for removal by the advertiser, or a power to recover the cost of removal from the advertiser. Where an advertisement is removed, the advertiser bears no cost beyond the loss of the banner, so installing an unlicensed one remains a rational gamble; this is the likely reason the sanction has had little effect. An advertiser who is sanctioned may challenge the decision as an administrative decision under the Law on Government Administration,[18] but nothing in the materials shows an internal appeal procedure in the Regulation. The advertisement tax, now governed by Regional Regulation No 12 of 2023 at a rate the regency set in that regulation, is a separate liability and is not a penalty for operating without a permit.[19]

Comparison with Earlier Research

The findings agree with the Semarang study on the main point: implementation of an advertisement regulation was not optimal and violations continued.[20] They differ on the factors. In Semarang communication supported implementation and resources, structure and disposition were constraints; in Magelang clarity and consistency of communication, structure and disposition are assessed favourably, and the constraints are the transmission of information to advertisers and the number of enforcement staff. The difference may reflect that in Magelang enforcement is a separate agency's task, but this study did not test the explanation. Like the Palu study,[21] this article uses a policy-implementation framework to assess a regional permit rule; it differs in adding an analysis of the legal tools in the regulation and of the enforcement agency.

Conclusion

Implementation of Regent's Regulation No 22 of 2014 in Magelang Regency is not yet optimal. Communication: clarity of information and consistency are satisfactory, but transmission is not optimal because outreach to advertising firms is lacking. Resources: enforcement staff are insufficient for the regency, while budget and equipment are adequate. Disposition and bureaucratic structure are generally sound. Advertisers often do not understand the rules or expect banners to be removed anyway, and the Regulation, which provides for administrative

[18] Law No 30 of 2014 on Government Administration (Indonesia).
[19] Regional Regulation No 12 of 2023, *supra* note 2, arts 34–39.
[20] Arnendo & Rahman, *supra* note 10.
[21] Djabier & Suprandy, *supra* note 11.

sanctions only, gives no incentive to comply. The hindrances are thus a lack of outreach and staff, and a sanction too weak to change the behaviour of advertisers.

Four recommendations follow. DPMPTSP should brief advertising firms regularly and publish permit requirements and procedures online. Satpol PP should adopt a risk-based patrol plan that concentrates on the main traffic and tourist corridors, and the regency should add enforcement staff. The regent and the regional legislature should confirm whether Regent's Regulation No 22 of 2014 remains in force and review it in view of the risk-based licensing rules and Regional Regulation No 12 of 2023. Finally, any review should consider a time limit for removal and a cost-recovery power, and, if criminal penalties are wanted, they must be set in a regional regulation.

The study has limits. It covers a single regency, the number of informants is small, and it did not obtain quantitative data on permits, violations, removals or revenue, so its findings describe practice qualitatively and cannot be generalised. The continued force of the 2014 Regulation was assumed from the way the agencies applied it and was not independently confirmed. Further research should collect agency data for several years and include the views of a larger number of advertisers.

Ethics and Data Availability

This research did not collect personal data beyond the official positions of informants. Interviewees took part voluntarily, and they are identified in the article by institution only. Ethical approval was therefore not required. The supporting interview notes and documents are held by the author and may be provided on reasonable request.

Use of Generative AI

Generative AI was used only to improve the language of this article (grammar, clarity and style). The authors reviewed the output and are responsible for the content of the article.

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