

Borobudur Law and Society Journal
ISSN: 2809-9664
Vol. 5 No. 1 (2026)
pp: 20-28
DOI: https://doi.org/10.31603/9755

UNIMMA PRESS
UNIVERSITAS MUHAMMADIYAH MAGELANG

The Role of the Magelang Regency Trade Department in Realising Cleanliness and Order in Traditional Markets

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Abstract

Traditional markets support the livelihoods of many Indonesians, but they also put public health at risk when they are not kept clean and orderly. Magelang Regency's Department of Trade, Cooperatives and SMEs manages seventeen traditional markets, yet the duties it exercises are spread between an organisational regent's regulation and a regional regulation on market management. This article asks how the Department performs its role in realising cleanliness and order in these markets, which legal instruments define that role and what hinders it. It is empirical legal research with a socio-legal approach that applies role theory, through expectation, norm, performance, evaluation and sanction, to data from observation, interviews and Department documents. Only Tempuran Market meets the Indonesian National Standard (SNI) for people's markets; in the other markets waste accumulates, visitor parking is absent, and cleaning and security staff are too few. Traders' duty of cleanliness lies in Regional Regulation No 23 of 2008, but its sanction ladder is attached to other provisions, so enforcement lacks a clear textual basis. The Department therefore performs its role without yet achieving the expected result. Limited staff and funds, delayed revitalisation and low awareness among traders and visitors hinder it. The article recommends staffing ratios, a defined sanction procedure and an SNI-based revitalisation schedule.

Keywords

Markets; Cleanliness; Order; Role; Regulation; Magelang

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Introduction

A market is an open place of buying and selling where bargaining is possible. It matters to most Indonesians, and many lower-income people depend on it, since trading in a traditional market is one alternative to unemployment. Cleanliness shapes customer satisfaction, because buyers want a healthy place free of disease for their food purchases, and dirty surroundings harm the health of buyers and traders and give rise to bad smells. Order in parking, security and street vending is equally important to the comfort of shoppers. Because traders, visitors and the agencies responsible each have rights and duties, law is one of the instruments needed to organise traditional markets.[1]

Several layers of law apply. Regional governments hold the power to manage markets under the Law on Regional Government,[2] and the Law on Trade and Presidential Regulation No 112 of 2007 provide the national framework for the arrangement and development of traditional markets.[3][4] Waste from markets falls under the Law on Waste Management.[5] In Magelang Regency the operative instrument is Regional Regulation No 23 of 2008 on Market Management, which lists cleanliness, security and order among the services of market management and sets the duties and prohibitions of traders,[6] while Regent's Regulation No 72 of 2021 sets the position, structure and tasks of the Department of Trade, Cooperatives and SMEs (Disdagkop dan UKM) that carries them out.[7]

The Department manages all seventeen traditional markets of the regency: Tempuran, Secang, Windusari, Bandongan, Kaliangkrik and its Agribusiness Sub-Terminal (STA), Salaman, Borobudur, Mungkid, Muntilan, MEKAR Muntilan, Talun Dukun, Ngablak and its STA, Pagergunung, Kaponan and Grabag. Of these, only Tempuran People's Market has so far met the Indonesian National Standard (SNI) for people's markets in its cleanliness, order and security. The standard in force is SNI 8152:2021 on people's markets, although its application is reported to be voluntary.

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[1] Ni Komang Devayanti Dewi, "Perlindungan Hukum terhadap Pasar Tradisional di Era Liberalisasi Perdagangan" (2018) 14:1 *Law Reform*, DOI: <10.14710/lr.v14i1.20232>.

[2] Law No 23 of 2014 on Regional Government (Indonesia).

[3] Law No 7 of 2014 on Trade (Indonesia).

[4] Presidential Regulation No 112 of 2007 on the Arrangement and Development of Traditional Markets, Shopping Centres and Modern Stores (Indonesia).

[5] Law No 18 of 2008 on Waste Management (Indonesia).

[6] Regional Regulation of Magelang Regency No 23 of 2008 on Market Management (Indonesia), arts 4(2), 13(2), 14.

[7] Regulation of the Regent of Magelang No 72 of 2021 on the Position, Organisational Structure, Duties and Functions, and Working Procedures of the Department of Trade, Cooperatives and Small and Medium Enterprises (Indonesia).

Earlier research approaches the subject from other angles. A study of the Kedunggalar traditional market in Ngawi, East Java, evaluated waste management on institutional, legal, financial and community-participation aspects and found that sorting, collection, transport and disposal did not fully comply with regulations: 72.60 per cent of the aspects assessed were compliant, below the 80 per cent threshold it applied.[8] A study of the Sarijadi contemporary market found compliance with SNI 8152:2021 not yet optimal, with many requirements unmet, which the authors attributed to poor socialisation of the standard and to the unwillingness of market management.[9] A legal study of traditional markets examined their protection against modern retail in an era of trade liberalisation, and located that protection in Presidential Regulation No 112 of 2007 and ministerial regulations.[10] These studies treat waste management, the SNI or competition between market types. None examines how a regional trade department performs, against the regional regulation on market management, its duty of keeping markets clean and orderly. This article fills that gap for Magelang Regency.

The research questions are: (1) how does the Department of Trade, Cooperatives and SMEs of Magelang Regency perform its role in realising cleanliness and order in traditional markets; (2) which legal instruments define that role and its sanctions; and (3) what hinders it? The purpose is to assess the gap between what the law expects and what happens in the markets and to propose measures to close it.

Research Method

This is empirical legal research, that is, field research on legal norms and actual events in society, with a socio-legal approach that compares the application of law (*das Sein*) with the legal rules as they ought to be (*das Sollen*).[11] The rules against which practice is measured are Regional Regulation No 23 of 2008 and Regent's Regulation No 72 of 2021. The locations are the traditional markets of Magelang Regency, selected on the basis of pre-research and interviews. Primary data come from interviews, observation and documentation, and secondary data from legislation (the 1945 Constitution, Law No 23 of 2014 on Regional Government, Regional Regulation No 23 of 2008 and Regent's Regulation No 72 of 2021),

[8] Nanda Ika Vera Marlina, Tri Joko & Onny Setiani, "Evaluasi Aspek Pengelolaan Sampah Pasar Tradisional Kedunggalar Kecamatan Kedunggalar Kabupaten Ngawi Jawa Timur" (2021) 20:5 *Media Kesehatan Masyarakat Indonesia* 308, DOI: <10.14710/mkmi.20.5.308-316>.

[9] Rahmad Nur Mustaqim, Haura Atthahara & Indra Aditya, "Pemenuhan Persyaratan SNI 8152:2021 Pasar Rakyat pada Pasar Kontemporer Sarijadi" (2022) 9:9 *Nusantara: Jurnal Ilmu Pengetahuan Sosial*, DOI: <10.31604/jips.v9i9.2022.4332-3440>.

[10] Dewi, *supra* note 1.

[11] Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 1986).

literature and statements of officials, together with the Department's market data for March 2023.[12] Because the study relies mostly on the Department's documents and statements, its findings describe the markets as the Department and the authors' observation portray them. Data were analysed by the steps of reduction, display and conclusion drawing.[13] The yardstick for a role performed optimally is twofold: the facilities that Regional Regulation No 23 of 2008 requires of a market, among them parking space, temporary waste collection points and a security post,[14] and the requirements of SNI 8152:2021 for people's markets.

Results and Discussion

Role Theory

Role theory links behaviour to position. Of the four ways in which Biddle and Thomas classify role phenomena, this study takes the first, the persons who take part in the interaction, here the market officers, who are at the spearhead of the Department, and the traders.[15] Five variables of behaviour structure the analysis: expectation, norm, performance, evaluation and sanction. The test applied to each is the gap between what the law expects of the Department and what the markets show. Table 1 sets out the comparison.

Table 1. Role of the Department: expectation compared with practice

Variable	What the law or the public expects	What the study found	Gap
Expectation	Clean, orderly markets in which buyers and traders are comfortable; services of cleanliness, security and order (Regional Regulation No 23 of 2008, art 4(2))	Only Tempuran is clean and orderly; the other markets differ in degree	Large
Norm	Traders must keep security, order and cleanliness around the place of trade (art 13(2)(d)); the market must have parking, waste collection points and a security post (art 6(1)); the Department's market division formulates, coordinates and monitors market facilities and management (Regent's Regulation No 72 of 2021, art 13)	Visitor parking is absent and staff are short in the markets other than Tempuran	Large
Performance	Traders' associations (paguyuban) remind members about cleanliness; cleaners and guards serve the market	Associations do not work in some markets, so cleaners are overwhelmed; staff are too few and some work at two markets	Large
Evaluation	Public judgement of the markets	Opinion varies; physical development is incomplete in all seventeen markets and the public thinks the local government pays too little attention	Moderate

[12] Dinas Perdagangan, Koperasi dan Usaha Kecil Menengah Kabupaten Magelang, *Data Pasar Tradisional Kabupaten Magelang (Maret 2023)*.
[13] Matthew B Miles, A Michael Huberman & Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook*, 3rd ed (Thousand Oaks, CA: Sage, 2014).
[14] Regional Regulation No 23 of 2008, *supra* note 6, art 6(1).
[15] Bruce J Biddle & Edwin J Thomas, eds, *Role Theory: Concepts and Research* (New York: Wiley, 1966).

Sanction	Written warnings, then revocation of the right to a kiosk or stall (art 16)	Firm sanctions applied only at Tempuran; sixteen markets not yet optimal	Large

Source: Regional Regulation No 23 of 2008, Regent's Regulation No 72 of 2021 and the authors' field data.

Legal Basis and Market Profile

Two instruments bear on the Department's role, and they do different work. Regent's Regulation No 72 of 2021 is an organisational regulation. Its Article 13 gives the market division the task of formulating policy concepts and of coordinating, implementing, administering, monitoring, evaluating and reporting on the facilities, empowerment and management of markets, and any assigned tasks.[16] It does not impose cleanliness duties or sanctions on traders. Those come from Regional Regulation No 23 of 2008. Article 13(2)(d) obliges every trader using a place in the market to maintain security, tranquillity, order and cleanliness around the place of trade, and Article 6(1) lists the facilities a market is to have, among them sufficient parking space and areas, a market office, a security post, temporary waste collection points and public toilets.[17] The Regulation provides for sanctions in Article 16: a holder of a market trading certificate (SKHPTD) who breaches Articles 14 or 15 receives three written warnings, after which the certificate is revoked, and Article 20 punishes breaches of Articles 9, 14 and 15(1) with up to three months' confinement or a fine of up to IDR 25 million.[18] The Regent supervises and guides the markets under Article 18.[19]

The wording of these provisions creates a gap. The sanction ladder in Article 16 refers to Articles 14 and 15, which prohibit, among other acts, conduct that disturbs public security or order, bringing vehicles into the market outside designated places and occupying the entry and exit lanes. The trader's duty of cleanliness lies in Article 13(2)(d), which Article 16 does not mention. On the text, therefore, revoking a certificate because a trader leaves a stall unclean has no direct basis, unless the conduct also disturbs public order under Article 14(c). This helps explain why, as the Department reports, firm sanctions are applied only at Tempuran: the instrument that the Department invokes lacks a clear route from the duty to the sanction. The Department needs a defined procedure for warnings and revocation, issued under the power the Law on Regional Government gives local governments to regulate the matters in their charge, to fill it.[20]

[16] Regent's Regulation No 72 of 2021, *supra* note 7, art 13.
[17] Regional Regulation No 23 of 2008, *supra* note 6, arts 6(1), 13(2)(d).
[18] *Ibid*, arts 16, 20.
[19] *Ibid*, art 18.
[20] Law No 23 of 2014, *supra* note 2.

The Department's data for March 2023 give the area and the number of traders (kiosks, stalls and floor traders) of the seventeen markets, for example Muntilan Market (14,054 square metres, 322 kiosks, 1,520 stalls and 1,424 floor traders) and Pasar Mekar Muntilan (28,089 square metres, 66 kiosks, 359 stalls and 130 floor traders).[21] Citing Satjipto Rahardjo, the authors observe that law is meaningless if its commands cannot be carried out, and, following Donald Black, that law needs human mobilisation to turn rules into cases. The Department's staff are that mobilisation.

Under the classification of the SNI as the authors apply it, a market is Type I if it has more than 750 traders, Type II for 501 to 750, Type III for 250 to 500 and Type IV for fewer than 250. The authors place ten markets in Type I (Salaman, Borobudur, Talun Dukun, Muntilan, Kaliangkrik, Secang, Kaponan, Grabag, Ngablak and its STA), four in Type II (MEKAR Muntilan, Mungkid, Windusari and STA Kaliangkrik) and two in Type III (Tempuran and Bandongan). Pagergunung, the seventeenth market, is not classified in the data available, so the table covers sixteen markets. Tempuran is also in class II under Regent's Regulation No 45 of 2012 on the collection of regional charges and is open daily. That Tempuran is a Type III market with fewer than 500 traders and yet the only market to meet the SNI is consistent with the standard's emphasis on facilities, layout and management and not on size: a smaller market is easier to staff and to keep clean within the same budget, although the data do not test this explanation. Table 2 summarises the classification.

Table 2. Classification of the markets by number of traders

Type	Number of traders	Markets	Count
I	More than 750	Salaman, Borobudur, Talun Dukun, Muntilan, Kaliangkrik, Secang, Kaponan, Grabag, Ngablak and its STA	10
II	501 to 750	MEKAR Muntilan, Mungkid, Windusari, STA Kaliangkrik	4
III	250 to 500	Tempuran, Bandongan	2
Not classified	No data in the study	Pagergunung	1

Source: Department of Trade, Cooperatives and SMEs, Magelang Regency, data of March 2023, as classified by the authors.

Staff, Funding and Awareness

The Department's staffing data show too few cleaning and security staff in several markets; in some there is no daytime security officer, and some cleaners work at two markets. Tempuran's staff, by contrast, is proportional to its area, its building meets the national standard, its facilities are adequate and its standard operating procedures work. The study did not obtain a staff-per-hectare figure, budget lines for cleaning and security, or the number of warnings and revocations, so 'too few'

[21] Disdagkop Magelang, Market Data, *supra* note 12.

and 'not optimal' rest on the Department's statements and the authors' observation. Funding is limited, since many markets await revitalisation and the regional budget is not enough without transfers from the central government. Awareness of cleanliness is low among traders and visitors, especially sellers of vegetables and fruit, and the traders' associations do not remind members effectively. The Department reports that it will revoke the trading permit of traders who persist after repeated warnings, which matches the procedure in Article 16, but that it has applied firm sanctions only at Tempuran.[22]

Parking shows how weak facilities become a problem of order. Article 6(1) lists sufficient parking areas among the facilities of a market. The markets other than Tempuran have no dedicated visitor parking, so vehicles use the road shoulder and traffic is disturbed. The Department has not counted the share of markets affected beyond this, and the effect on order is therefore described, not measured.[23]

Comparison with Earlier Research

The findings agree with earlier research that compliance falls short of the standard. As in the Sarijadi study, compliance with the SNI is not yet optimal; that study blamed poor socialisation of the standard and unwillingness of management, whereas this study adds shortages of staff and funds and low awareness among traders and visitors.[24] As in the Kedunggalar study, waste handling falls short of what the applicable rules require.[25] This article differs from both in locating the problem in the law that the Department applies. Neither earlier study asks whether a sanction exists for the duty that traders are expected to perform; this study finds that, on the text of Regional Regulation No 23 of 2008, the duty of cleanliness is not directly linked to the sanction ladder, which explains in part why enforcement is thin.[26]

Conclusion

The Department of Trade, Cooperatives and SMEs performs its role under Regent's Regulation No 72 of 2021 and Regional Regulation No 23 of 2008, but implementation is not yet optimal. Only Tempuran meets the SNI. Elsewhere markets are not clean, rubbish lies out of place and there is no special parking for visitors, so road shoulders are used and traffic is disturbed. The role is defined by

[22] Regional Regulation No 23 of 2008, *supra* note 6, art 16.
[23] *Ibid*, art 6(1).
[24] Mustaqim, Atthahara & Aditya, *supra* note 9.
[25] Marlina, Joko & Setiani, *supra* note 8.
[26] Regional Regulation No 23 of 2008, *supra* note 6, arts 13(2)(d), 16.

two instruments: the organisational regulation gives the Department its tasks, and the regional regulation sets the traders' duty of cleanliness but attaches its warnings and revocation to other provisions. Internal causes are unstructured programmes, inconsistent implementation, limited staff and budget, weak supervision and the absence of firm action against violators; external causes are the low awareness of traders and visitors.

Four recommendations follow. First, the Department should set a staffing ratio and a budget line for cleaning and security in every market and end the practice of one cleaner serving two markets. Second, the regent and the regional legislature should amend Regional Regulation No 23 of 2008, or issue the regent's implementing regulation it allows, so that a breach of the duty of cleanliness in Article 13(2)(d) leads to written warnings and revocation through a defined procedure. Third, the Department should adopt a revitalisation schedule that uses the SNI 8152:2021 checklist and gives priority to designated visitor parking. Fourth, it should work with the traders' associations and with visitors on awareness programmes.

The study has limits. It is a descriptive study of seventeen markets by one research team, it draws on a limited number of interviews, and it has no standard measure of cleanliness, no figures on staff per hectare, budget, warnings or revocations, and no data on the share of traders who comply. Further research should measure cleanliness against the SNI checklist market by market and collect enforcement data over several years.

Ethics and Data Availability

This research studied the performance of a government department and the condition of public markets. It reports no personal data, and officials are referred to by institution only, so ethical approval was not required. The Department's data and the authors' field notes 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.

Funding and Conflicts of Interest

The authors declare no conflict of interest. This research received no external funding.

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