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*Enforcement of Article 32 Paragraph (1) Jo Article 27 Paragraph (1) Ternate City Regulation No. 3 of 2017 concerning the Implementation of Advertisements in the City of Ternate*

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**Abstract**

*The results of writing this thesis, it can be concluded that the provisions for the implementation of billboards are regulated in the Ternate City Regional Regulation Number 03 of 2017 concerning the Implementation of Billboards, because there are still many business actors who violate billboards which until now have not been enforced according to the Ternate City Regulation. The form of law enforcement that has so far been carried out by Satpol PP is giving warnings to business actors, then taking direct action to locations that are often used as places for placing billboards or stickers, as well as coaching business actors who are found to have re-installed billboards or stickers. In the implementation of law enforcement by the Ternate City Satpol PP against Perda No. 03 of 2017 Regarding the Implementation of Advertisements, many obstacles are often encountered by Satpol PP which are broadly in the form of factors that are less professional Law Enforcement Officials, community factors where this factor speaks of structure and traders who often repeat actions that violate the provisions in the regulation and the consequences from the minimal level of legal awareness and legal compliance in the people of Ternate City.*

**Keywords:** Advertising Administration, Regional Regulations, Enforcement

**Abstrak**

Hasil dari penulisan skripsi ini, dapat diperoleh kesimpulan bahwa Ketentuan penyelenggaraan reklame yang diatur dalam peraturan daerah Kota Ternate Nomor 03 Tahun 2017 tentang Penyelenggaraan Reklame, karena masih banyak pelaku usaha yang melakukan pelanggaran reklame yang sampai saat ini belum ditegakan sesuai Perda Kota Ternate. Bentuk penegakan hukum yang sejauh ini yang telah dilakukan oleh Satpol PP adalah pemberian teguran terhadap pelaku usaha, kemudian kegiatan penindakan langsung ke lokasi yang sering dijadikan tempat pemasangan baliho atau penempelan stiker, serta pembinaan terhadap pelaku usaha yang kedatangan kembali memasang baliho atau stiker. Dalam pelaksanaan penegakan hukum oleh Satpol PP Kota Ternate terhadap Perda No. 03 Tahun 2017 Tentang Penyelenggaraan Reklame, banyak kendala yang sering didapatkan oleh Satpol PP yang secara garis besar berupa faktor Aparat Penegak Hukumnya yang kurang profesional, faktor masyarakatnya dimana faktor ini berbicara struktur maupun para pedagang yang sering kali mengulangi perbuatan yang melanggar ketentuan dalam perda tersebut dan akibat dari minimnya tingkat kesadaran hukum dan kepatuhan hukum dalam masyarakat Kota Ternate

**Kata Kunci:** Administrasi Periklanan, Peraturan Daerah, Penegakan

## PRELIMINARY

Advertisements have an important role in the business world, especially in the field of marketing. The success of a business is determined by how entrepreneurs market the products and services they produce. So that entrepreneurs use billboards as a medium in marketing the products and services they produce. Advertisements/advertising and other forms of promotion are not only useful for entrepreneurs in the field of marketing, but are also useful for the public to find out information about products and services which will determine whether people will buy these products and services or not.

Billboards are one of the marketing media used as a communication tool between entrepreneurs and the local community, passers-by and tourists to market their products and services, so that billboard organizers will tend to choose city open spaces to install billboards.

Crossroads. As for the installation of advertising can not be done arbitrarily. Advertising can not be done arbitrarily. The installation of billboards must maintain the aesthetics of the environment and do not conflict with religious norms, decency, order, security, safety, decency, health, according to city planning. Therefore, there must be rules regarding the organizers of billboards in order to create order in every advertisement implementation<sup>1</sup>.

The rules for organizing billboards in each city are different, because based on article 18 paragraph (2) of the 1945 Constitution it is stated that local governments have the authority to regulate their respective regions. 23 of 2014 in conjunction with Law Number 9 of 2015 local governments, where regions are given the opportunity to regulate and develop with the principle of autonomy. Regions have the authority to make regional policies aimed at improving because it is considered strategic so that the message is conveyed easily to many people. Strategic places especial.

welfare of the people. Thus, the government of Ternate City in using the authority to regulate the implementation of billboards in the City of Ternate to make a policy, namely regional regulation Number 3 of 2017 billboards. person or entity who intentionally commits the violation as referred to in 21 paragraph 1 and paragraph 3 and Article 27 paragraph 1. It is punished with a maximum imprisonment of 3 months or a maximum fine of Rp. 50,000,000.00 (fifty million rupiah).

Based on the pre-research, the problems related to the installation of billboards in the City of Ternate, mostly due to not complying with the permit from the city planning service and the city regulation Number 03 of 2017 concerning the implementation of billboards in the City of Ternate, the author conducted an interview with Mr. Nanang Drakel, SE he said that there were some problems that We found that there were several problems related to the installation of billboards, stickers, billboards in the Gamalama Village, not only in the Gamalama Village but almost the entire city of Ternate, many of which carried out the installation of billboards indiscriminately, which violated the installation of billboards that were not appropriate, such as on trees.

The advertisements referred to in the Ternate City Regional Regulation No. 3 of 2017, concerning the implementation of advertisements in Article 32 paragraph 1 are every tree trunks, electricity poles will disturb the aesthetics of the beauty of the city in Perda no. 3 of 2017 concerning the implementation of advertisements in the City of Ternate.

The installation of billboards as a juridical instrument used by the government influences the public to want to follow the recommended method in order to achieve concrete goals. According to the Regulation of the Minister of Home Affairs Number 24 of 2006 concerning guidelines for one-level integrated services in article 1 point 8 it explains that a permit is a document issued by a regional government based on a regional regulation

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1 Margaretha Shinta Amir, 'Penegakan Hukum Perezinan Pemasangan

or other regulation which is proof of legality, stating that it is legal or permissible for a person or entity to carry out certain businesses or activities". While Article 1 number 9 of the Minister of Home Affairs Regulation Number 24 of 2006 concerning Guidelines for Integrated Service Providers. one doorway emphasizes that "licensing is the granting of certain business actors or activities, both in the form of permits and business registration marks".

Billboard organizer license is a permit that is given to an agency or person to organize or install billboards. In the Ternate city regional regulation number 3 of 2017 it is stated that every advertisement organizer in the area must obtain permission from the head of the SKPD in charge of licensing. There are provisions regarding the obligation to obtain permits in every billboard organizer, one of which is to protect the environment.

The environment is defined as the space occupied by living and non-living things in it. According to Law No. 32 of 2009 on the protection and management of the environment, Article 1 number 1 states that the living environment is a unitary space with all objects, power, circumstances, and living things, including humans and their behavior that affects the survival and welfare of humans and other living creatures. living things interact with one another. Living things will affect their environment and conversely changes in the environment will also affect living things. Therefore, the granting of a permit for the administration of advertisements in the city of Ternate with consider the environment.

Based on the reality on the ground, there are still many problems related to licensing the implementation of billboards in the city of Ternate, namely the implementation of billboards that have not obtained a permit or the validity period of the permit has expired. This shows that the community has not really obeyed the law regarding the implementation of billboards.

Based on the problems above, the authors raised the title, namely: "Enforcement of Article 32 Paragraph (1) Jo Article 27 Paragraph (1) Ternate City Regulation No. 3 of 2017 concerning the Implementation of Advertisements in the City of Ternate."

## **RESEARCH METHODS**

### **Research Type**

The research used by the author is the type of empirical legal research, the method used to examine laws that are in fact made and applied by humans who live in society. The object of study, empirical legal research is community behavior that arises as a result of interacting with the existing norm system.

The interaction appears as a form of public reaction to the implementation of a positive legal provision and can also be seen from community behavior as a form of action in influencing the formation of a positive legal provision.

### **Research Location**

This research was carried out in Ngade Village, Jl, Revolution kelurahan, Gamalama, Jl, Ais Nasution, Village, Gamalama Kota Ternate, the reason is that in these places the data that the author needs for the preparation of legal research

### **Types and Sources of Data**

The types of data that will be used in this research are primary data and secondary data:

#### **1. Primary Data**

Data obtained directly from the source, either through interviews, observations and reports in the form of unofficial documents which are then processed by researchers.

## 2. Secondary Data

Data obtained from official documents, books related to the object of research, research results in the form of reports, theses, dissertations, and legislation. The secondary data can be divided into:

### a. Primary Legal Material

Primary legal materials are legal materials that have an (authoritative), the legal materials consist of:

- 1) Legislation, for example, the Civil Code, the Basic Agrarian Law.
- 2) Official records or minutes in the making of a statutory regulation, for example academic studies needed in making a draft laws and regulations

### b. Secondary Legal Material

Secondary legal materials are books and legal scientific writings related to the object of this research

## Data Collection Techniques

Data collection techniques used in this study are as follows:

### 1. Study literature (Library Research)

This method is used to collect secondary data, which is done by searching, recording, and studying laws and regulations. invitations, legal opinions related to the subject matter.

### 2. Interview

The author has conducted interviews at the City Planning Service with Mr. Nanang Drakel SE, the head of the billboard section, and the Office (Pamong Praja Police Unit (Satpol PP) with Mr. Hasan Samal, S.Sos, the head of the Public Order and Community Peace Division, Ternate City Satpol PP. business related to advertising infringement. The results of my observations In Ngade Village, Gamalama Village, Jl. Heroes of the Revolution and on Jl. Ais Nasution, Gamalama Village

### 3. Data Analysis

From the data obtained both primary and secondary, the authors analyze qualitatively, using an empirical normative approach, namely by examining library materials and interviews in their application in the field, then drawing conclusions from the results and determining the gap between normative and empirical. So from the results of the analysis will be obtained conclusions that are expected to answer the problem.

## DISCUSSION

### A. LAW ENFORCEMENT CONCEPT

Indonesia is a state of law, meaning that all citizens and administrators must comply with applicable laws. But The results of this study are expected to be used as a reference, guideline, or legal theoretical basis for similar research for the next stage.

#### 1. Practical Benefits

- a. The results of this study are expected to contribute ideas in the field of law for all relevant parties such as the government, legal practitioners, academics, and the public using billboards in general.
- b. The results of this study are expected to be useful for the general public, especially those who use billboards as a medium to promote things that relates to the interests of those who put up the billboards, and also becomes a reference for all elements of the Ternate City community in general law enforcement officers and lawmakers

themselves. Law enforcement in Indonesia is still sharp downwards but blunt upwards<sup>2</sup>.

For this reason, it is necessary to improve law enforcement. Improvements in law enforcement can be in fact, the rule of law often violated, even by This is done by improving the legal system which includes legal substance, legal structure, and legal culture. In addition, with the concept of a democratic rule of law, law enforcement is not only focused on the written rule of law. If the written rule of law does not provide justice, then the written rule of law can be deviated. Law enforcement is also supported by the birth of progressive legal theory and integrative legal theory. The 1945 Constitution of the Republic of Indonesia in Article 1 paragraph (3) states that "the Indonesian state is a state of law", meaning that every citizen and state administrator must submit to applicable law. In the concept of a state of law in the world, there is the concept of *rechtstaat* and the concept of the rule of law. The Indonesian legal state based on Article 28I paragraph (5) of the 1945 Constitution of the Republic of Indonesia is a democratic legal state, meaning that the Indonesian legal state combines the concept of *rechtstaat* and the concept of the rule of law<sup>3</sup>.

Indonesia as a state of law, the law should be enforced. Various laws are made, to be obeyed and implemented in the life of society, nation and state. However, in reality, the rule of law is often violated, even by law enforcement officers and lawmakers themselves. We can see how many law enforcement officers (police, judges, prosecutors, advocates) in handling cases commit disgraceful acts such as bribery, case transactions, case brokers, buying and selling decisions, case brokers, and so on. Likewise with members of the DPR as lawmakers, there are some who are entangled in corruption cases or commit other violations of the law<sup>4</sup>.

In the international world view, the Indonesian state has a very large number of corruption, so that the Indonesian state is placed as one of the countries that have a high level of corruption. most corrupt in the world. Corruption in Indonesia, which has had an extraordinary impact, is felt by the people of Indonesia. Although corruption is an extraordinary crime, law enforcement against corruption cases is still very weak. Weak law enforcement is not only against acts corruption, but also all law enforcement in Indonesia is already corruption itself, even the law enforcement process can traded<sup>5</sup> The existence of law enforcement officers and law makers who violate the law results in a decrease in the level of public trust in law enforcement officers and law makers themselves. One of the implications is the occurrence of vigilante actions by the community in the face of a criminal act.

When Indonesia entered the Reformation Era in 1998, one of the reform agendas was to enforce the law through eradicating criminal acts of corruption, collusion, and nepotism. However, after entering its 20th year since the reforms were rolled out, the law enforcement agenda that is expected to be realized is in fact still far from being burnt. The crime of corruption is actually getting worse. The amount of state money being corrupted is increasing, the perpetrators of criminal acts of corruption are also increasing and spreading to all elements of society, and the mode of corruption is also increasingly varied<sup>6</sup>.

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2 Dellyana Shant, *Konsep Penegakan Hukum* (yogyakarta: Sinar Grafika, 1988).p 33

3 Satjipto Rahardjo, *Hukum Dan Perilaku* (Jakarta: Kompas, 2009).p 21

4 D Soedjono, *Pengantar Ilmu Hukum* (Jakarta: Rajawali Press, 1984).p 127

5 Darmodiharjo Darji, *Pokok-Pokok Filsafat Hukum* (Jakarta: Gramedia Pustaka Utama, 2002).p 124

6 Satjipto Rahardjo, *Penegakan Hukum Suatu Tinjauan Sosiologis* (yogyakarta: Genta Publishing, 2009).p 37

The law which was originally expected to be a pillar and a tool to build a life that provides a sense of justice and certainty in people's lives, is still felt dull in resolving legal cases that occur, including corruption cases. In fact, until now, the legal development of our country is stuck in irony, namely first, Indonesia is internationally known to be one of the most corrupt countries in the world, but in reality it is rare for corruptors to be prosecuted by law. Second, constitutionally, Indonesia has been established as a state of law, but in reality the law cannot be enforced properly or has never been supreme as expected. The role of law in the current reform is still very weak and does not show its effective performance. Therefore, we must make improvements to our legal system, especially improvement in the aspect of law enforcement.

According to Law No. 32 of 2009 on the protection and management of the environment, Article 1 number 1 states that the living environment is a unitary space with all objects, power, circumstances, and living things, including humans and their behavior that affects the survival and welfare of humans and other living creatures. . living things interact with one another. Living things will affect the environment, and conversely changes in the environment will also affect living things. Therefore, the granting of a permit for the administration of advertisements in the city of Ternate with consider the environment.

Implementation of law enforcement in the Law in spatial planning based on Law number 26 of 2007. Law enforcement is a series of processes to describe values, ideas, ideals that are quite abstract which are the objectives of the law. These values must be able to be realized in. activities that harmonize the relationship of values that are described in solid rules and embody attitudes and not as a series of value elaborations. The final stage is to create, enforce, maintain and maintain peaceful social life. According to Satjipto Raharjo, law enforcement is essentially the enforcement of these abstract ideas or concepts. Law enforcement is an attempt to turn these ideas into reality. 7

Law enforcement as a means to achieve legal goals, all energy should be mobilized so that the law is able to work to realize moral values in law. The failure of the law to threaten the danger of the bankruptcy of the existing law. Laws that are poor in implementation of moral values will move and are isolated from the community. The success of law enforcement will determine and become a barometer of legal legitimacy in the midst of social reality.8

In reality (can be implemented or not). According to Soerjono Soekanto, conceptually the core and meaning of law enforcement lies in Law enforcement is a concrete form of law enforcement in society that affects legal feelings, legal satisfaction and the needs or legal justice of the community.

Courts, correctional facilities are known as pro-justisia law enforcement which are actually only a small part of a law enforcement system, namely criminal law. Therefore, speaking of enforcement issues cannot be separated from the understanding of the legal system itself, which includes three inseparable components, namely the legal structure, legal substance and legal culture, so that in order to enforce the law optimally, it is obligatory to pay attention to these three components. With regard to the dynamics in society regarding spatial planning, a critical study of the spatial planning law is as follows:

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<sup>7</sup> Pemerintah Republik Indonesia, *Undang-Undang No. 26 Tahun 2007 Tentang Penataan Ruang* (Indonesia: Lembaran Negara Republik Indonesia, 2007).

<sup>8</sup> Satjipto Raharjo, *Masalah Penegakan Hukum Suatu Tinjauan Siosologis* (Bandung: sinar Baru, 2009).p

1. Spatial planning is a dynamic concept, because it is influenced by conditions social, economic and cultural as well as technology, so that in its implementation spatial planning should pay attention to these conditions;
2. In applying the concept of spatial planning, it cannot be done rigidly and rigidly, therefore it requires periodic revisions based on the scope of the nature of technological development and in building an artificial environment;
3. In terms of vision, control and environmental carrying capacity of various normative references;
4. In determining the provisions of sanctions, it is necessary to pay attention to the provisions of the Spatial Planning Law, except if an action related to the spatial planning regulations contains a criminal element;

Law enforcement is the choice and agreement of the people and the rule of law. Thus, there are (3) main aspects that must be considered in spatial planning, namely:

1. Aspects of the physical environment in general and natural resources in particular that are utilized. The community aspect includes aspirations as beneficiaries;
2. Aspects of managing the physical environment by the government with the assistance of the community, taking into account and considering the conditions and potential of the physical environment as well as the needs of the community so that the use of the space can be carried out in a sustainable manner.

Regarding the spatial planning violations that occurred, this was due to, among other things;

1. Potential conflicts between regions. This conflict can potentially occur in two or more cities or regencies that are located on a single ecosystem;
2. Conflicts between sectors. Differences in the interests of an object by the two sectors are the main trigger for this conflict. For example, the use of certain areas that are contested by the spatial planning sector.<sup>11</sup> According to Soerjono

Soekanto, the essence and meaning of law enforcement lies in how to harmonize the relationship of values outlined in good rules and harmonize with the attitude of action as a series of actions. Elaboration of values, to create, maintain, and maintain peaceful social life. According to Soejono Soekanto, law enforcement is strongly influenced by several factors. These factors have a neutral meaning, so that the positive or negative impact lies in the content of these factors. These factors include the following:

1. The legal factor itself is the law;
2. Law enforcement factors, namely the parties that form and apply the law;
3. Factors of facilities or facilities that support law enforcement;
4. Community factors, namely the environment in which the law applies or is applied
5. Cultural factors, namely as a result of work, creativity, and taste based on human initiative in social life.

These five factors are interrelated with each other, because they are the essence of law enforcement, and are also a benchmark for the effectiveness of law enforcement. The first factor, namely the law is a factor main role in supporting the birth of law enforcement. According to Purbacaraka & Soerjono Soekanto, what is meant by law in a material sense is a written regulation that is generally accepted and made by legitimate central and regional authorities. Then the law includes central regulations that apply to all citizens or certain groups as well as those that are generally applicable in some parts of the country and local

regulations that only apply in one place or region. In achieving its objectives, in order for the law to be implemented effectively, the law must adhere to general principles, including:

1. The law is not retroactive;
2. Laws made by higher authorities have a higher position;
3. Laws of a special nature override general laws. This means that special events must be treated by law that mentions the event, even for special events. It can also be treated as a law that mentions a broader or more general event, which can also include the special event;
4. Laws that apply later, cancel the laws that apply previously. That is, other laws that were applied earlier where regulated on a certain matter, are no longer valid if there is a new law that applies later which also regulates certain matters. Certain, but the meaning or purpose is different or contrary to the old law;
5. The law is inviolable;
6. The law should be participatory, meaning in the manufacturing process, opportunities are opened for community to make certain proposals. This intended so that the law is not arbitrary.

The law as a source of law and a factor in supporting law enforcement, often encountered obstacles and problems, among others;

1. The principles of law enforcement are not followed;
2. There are no regulations much-needed implementation of apply the law;
3. The ambiguity of the meaning of the words in the law greatly results in confusion in its interpretation and application.

The second factor in influencing law enforcement is law enforcement. The law enforcers referred to here are those who are involved in the field of law enforcement. This group includes those who serve in the Judiciary, Prosecutors, Police, Lawyers, and Corrections.

According to Soerjono Soekanto, a law enforcer, like other members of the community, usually has several positions and roles. Thus it is not impossible, that between various positions and roles a conflict arises (status conflict and status conflict). If in reality there is a gap between the role that should be and the role actually performed or the actual role, then there is a role gap (role-distance).

Furthermore, the third factor that affects law enforcement is the facility or facility factor. Without certain facilities or facilities, it is impossible for law enforcement to take place smoothly. These facilities or facilities include, among others, educated and skilled human resources, good organization, adequate equipment, sufficient finances, and so on. If these things are not fulfilled, it is impossible for law enforcement to achieve its objectives.

The fourth factor in terms of supporting law enforcement is the community factor. Law enforcement comes from society, and aims to achieve peace in society. Therefore, viewed from a certain angle, the community can influence the enforcement of the law.

Problems that often arise in society that can affect law enforcement can be in the form of:

1. people do not know or are not aware, if their rights are violated or disturbed;
2. the public is not aware of any legal measures to protect their interests;
3. The community is powerless to take advantage of legal remedies due to economic, psychological, social or political factors.



Furthermore, cultural factors are factors that play a role in influencing the birth of law enforcement. Legal culture (system) basically includes the values that underlie applicable law, values which are conceptions of what is considered good and what is considered not good<sup>9</sup>.

## **Overview of Advertisements**

### ***Advertising***

The definition of billboards can be seen based on the origin of the language. The word billboard comes from the Spanish word, which means repeatedly, and the word clamor which means "an exclamation. so, from in terms of language, advertising is a repeated call. A broader and more complete understanding of billboards can be seen in the General Indonesian Dictionary, which defines billboards as notification to the general public regarding merchandise, with praise or pictures and so on, aiming to make the merchandise more salable.

Advertisements do not always relate to commercial objects, sometimes, the information conveyed or this appeal is for non-commercial purposes or for the public interest. So, in simple terms, billboards are media to promote products or services to audiences with commercial or non-commercial purposes, billboards are one of the marketing media used as a means of communication between entrepreneurs and the local community, passers-by and tourists to market products and services. services, so that billboard organizers will tend to choose city open spaces to install billboards because they are considered strategic so that messages can be easily conveyed by many people. Strategic places, especially crossroads. As for installation of advertisements cannot be done arbitrarily. Advertising can not be done arbitrarily.

### ***Purpose and Function of Advertisements***

Advertisements are used to inform, invite, recommend, and offer products. Advertisements are made attractive so that readers want to follow the recommendations or buy the goods offered. There are various types of billboards including posters, advertisements, placards, banners, flyers, billboards, booklets, and others.

There are commercial and non-commercial advertisements. Commercial is used by merchants to offer goods or products. While non-commercial is used to invite people to do something, for example, live clean, save energy, and others.

Advertisements must be attractive. The things that must be considered in making it are as follows:

1. Slogans are clear and easy to understand.
2. Good and attractive language with appropriate font size
3. The illustrations are attractive and easy to remember
4. The layout of pictures and writing is good.

The function of billboards is closely related to modern industrial production methods that produce products in large quantities, so they must find buyers. Advertising is also a marketing strategy that intends to bring the goods to be sold closer to consumers or buyers. Reclamation is a promotional tool that promises profits so many large and small-scale entrepreneurs use this method. The city of Ternate is one of the centers of very rapid

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<sup>9</sup> Soejono Soekanto, *Faktor –Faktor Yang Mempengaruhi Penegakkan Hukum* (Raja Grafindo Persada,

development in North Maluku. This is what triggers entrepreneurs to take advantage of the products they offer, therefore this billboard installation permit is an important factor in creating comfortable and clean conditions for the advertisements that are installed. The complexity of activities that foster intense business competition will result in competition in terms of promotion. So that there is a competitive promotion, the need for:

1. Promotional media is a vital requirement for the trade industrial area.
2. The existence of the largest billboards along the roads in urban areas can be disturbing in terms of beauty, comfort and safety for the surrounding community. On the other hand, this may be a distinct advantage for users or advertisements in conveying information on the products offered.
3. However, the government's view is certainly different, the Ternate city government tries to organize and regulate the regulations for installing billboards through regional regulation number 3 of 2017 concerning the administration of billboard permits. - advertisements that do not comply with applicable regulations, many banners and billboards are installed everywhere, regardless of existing regulations. Therefore, seeing this condition, the researcher wants to know more about the enforcement process law against violations of advertising licensing.

Advertisements have many functions in the business world, namely<sup>10</sup>:

1. Persuade or invite potential customers to use services or buy products that have been confirmed.
2. Provide clear and concise information to potential consumers regarding the product or service being promoted.
3. Give a good impression to consumers on a brand, product, goods or service as confirmed.
4. Provide a sense of satisfaction to consumers on products or services that have been confirmed.
5. As a medium of communication between sellers and consumers.

While the function of advertising in a social movement is:

1. Inviting the public to want to obey and follow the rules or warnings according to the appeal.
2. Increase public awareness of hazards, warnings, events, or other important information that must be understood. One of them is a banner related to the prohibition of throwing garbage, maintaining environmental safety<sup>11</sup>.

### ***Types of Advertisements***

Visual media advertising is a type of advertisement that utilizes writing and images that are processed in such a way as to communicate certain messages to others through visual media. Types of billboards, meaning and types of billboards;

1. Megatron/Videotron/LED advertisements are advertisements using large monitor screens in the form of advertisement programs or shining advertisements with changing color images and/or writings, programmed, and operated by electric power.
2. Billboard/board advertisements are advertisements that are organized using wood, paper, plastic, fiber glass, stone glass, metal, lighting devices or other similar materials

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<sup>10</sup> 'Menurutmu Apa Itu Reklame? Apa Tujuan Dari Reklame?' *Padang.Tribunnews.Com*.  
<<https://www.google.com/search?q=penge%0Artian+reklame&oq=pengertian+reklame>>.

<sup>11</sup> 'Pengertian Reklame', *Google.Com*

in the form of incandescent lamps or other bright tools installed in the space provided (stand up alone) or by hanging or placed or affixed to vehicles that are driven by animal power or mechanical power other than those stated in the walking billboard.

3. Billboard advertisements are advertisements that held using wood, plastic and the like for a maximum period of 1 month.
4. Advertisements/Banners are billboards that are organized using cloth, plastic, rubber or other similar materials.
5. Advertisements/Neon Boxes are advertisements that held using iron, wood, paper, plastic, fiber, glass, stone, metal, light or other means of shining.
6. Movie/slide advertisements are advertisements that held by using cliches in the form of glass or film, or other similar materials as a tool to be projected and or demonstrated on television.
7. Advertisement leaflets/brochures/leaflets are advertisements in the form of loose leaflets, organized by means of distribution, given or can be requested provided that they are not to be affixed, concentrated, installed, poured in another object.
8. Sticker/adhered advertisements are advertisements in the form of loose sheets, organized by means of being distributed, given or can be given to be affixed, placed, installed, hung on an object belonging to another private property provided that the area is not more than 200 m<sup>2</sup> per sheet.

## **B. Provisions on Prohibition and Criminal Sanctions in the Ternate City Regional Regulation Number 03 of 2017 concerning the Implementation of Advertisements.**

### **Prohibition Of Installing Advertisements**

Law Enforcement Against Advertising Permit Violations, especially in the city of Ternate, has not been enforced in accordance with the regulations made by the Ternate city government, there are still many violations that occur. Carried out by the community in regulation No. 3 of 2017 concerning the implementation of billboards in article 32 paragraph (1) explaining that; Any person or entity who intentionally commits a violation as referred to in article 21 paragraphs (1) and (3), as well as article 27 paragraph (1), shall be punished with a maximum imprisonment of 3 months and a maximum fine of Rp. 50,000,000.00 (fifty million rupiah).

### ***Criminal Sanctions***

In Ternate City Regulation No. 3 of 2017 concerning the Implementation of Advertisements. Article 32 paragraph (1) any person or entity that intentionally commits a violation as referred to in Article 21 paragraph (1) of every advertisement in the region must obtain a permit from the mayor or an appointed official, and Article 27 paragraph (1) advertising license holders are prohibited

1. Placing or using a location/place Using a location/place to install an advertisement that is not in accordance with the permit you have
2. Using sizes and materials that are not in accordance with the permits owned.

Installing advertisements in city parks, tree trunks, tree branches, traffic signs, electricity poles or telephone poles, hospitals, military and police offices, the environment education, museums, places of worship and places of government, shall be punished with a maximum imprisonment of 3 (months) or a maximum fine of Rp. 50,000,000.00 (five tens of millions of rupiah).

### ***Satpol PP as Enforcer of Regional Regulations.***

The position of the Civil Service Police Unit in Regional Government implementation of regional autonomy gives the autonomous regions the rights and obligations to regulate and manage their own government affairs and the interests of the local community in accordance with statutory regulations, opening the widest opportunity for regions to optimally actualize all their best potential. at the same time addressing various problems that arise in the area and their solutions independently.

To carry out every regional government affair, it must be accompanied by an executor of regional government, namely:

1. local government apparatus that functions to carry out the wheels of government in the region. The one who rejects
2. The measure of the independence of an autonomous region in the administration of government is to have a separate regional government apparatus that is separate from the central government apparatus, this aims to focus the region on carrying out regional government affairs so as to prevent overlapping functions and authorities between regional government apparatus and central government apparatus.
3. To organize a good local government will not run optimally if it is only supported by the executive and legislative institutions in the region, of course this needs to be equipped with various local government apparatus. Basically the regional apparatus is an organization/institution under the regional government which then has the duty and responsibility directly to the regional head and assists the regional head in the administration of regional government. There are various organizations/institutions under the local government such as agencies and institutions regional technical and other government organizations.

In the provisions of Article 18 paragraph (6) of the 1945 Constitution of the Republic of Indonesia, it is stated that:

Regional governments have the right to stipulate regional regulations and other regulations to carry out autonomy and auxiliary duties. There are two important things in the formulation of the provisions of Article 18 paragraph (6) of the 1945 Constitution of the Republic of Indonesia. First, the authority of the regional government to stipulate regional regulations and other regulations. Second, regional regulations and other regulations are issued in the context of regulating their own regional household affairs (autonomy) and co-administration tasks. So in line with these two things, Hamzah Halim and Kemal R.S. Putera stated that regional regulations in the field of autonomy were sourced from attribution, while regional regulations in the field of co-administration came from the authority of the delegation.

In an effort to overcome various problems that arise in the community, national stability as well as conducive regional peace and public order are a matter of concern. which is the focus point of the regional government, so that the existence of the Civil Service Police Unit along with the tasks attached to it to assist regional heads in enforcing regional regulations and administering public order and public peace is expected to be a problem solving of ongoing regional government problems.

The establishment of the Satpol PP is specifically regulated in Government Regulation No. 6 of 2010 concerning the Civil Service Police Unit. In General Provisions Article 1 point 8 it is stated that, "The Civil Service Police Unit, hereinafter abbreviated as Satpol PP, is part of the regional apparatus in enforcing regional regulations and

administering public order and peace.

In the Government Regulation of the Republic of Indonesia Number 6 of 2010 concerning the Civil Service Police Unit, in article 6 the civil service police are authorized;

1. Take action non-judicial control of community members, apparatus, or legal entities who violate regional regulations and/or regional head regulations;
2. Take action against community members, apparatus, or legal entities that disturb public order and public peace;
3. Facilitating and empowering the capacity for the implementation of community protection;
4. Take action investigation of community members, apparatus, or a legal entity suspected of violating regional regulations and/or regional head regulations; and
5. Take administrative action against community members, apparatus, or legal entities that violate regional regulations and/or regional head regulations

**C. Enforcement of Article 32 Paragraph (1) in conjunction with Article 27 Paragraph (1) Ternate City Regional Regulation (PERDA) no. 3 of 2017 Regarding Advertising Violations**

The reality that often occurs and is encountered so far is the proliferation of activities for installing visual aids such as billboards stickers to attract consumers to buy their goods by installing billboards stickers in places prohibited by the Ternate City government. Promoting their goods or products can be found in a number of sub-districts but does not limit it to other locations that can be places of billboard installation activities, by business actors these three locations are the locations chosen in this study as research samples. if viewed in detail, the business actors who are often encountered are business actors who occupy these locations permanently and carry out their activities almost every day. For more details regarding business actors who are often found in several urban villages, as explained in the table below

Activity Location : - Akehuda Village  
 - Santiong Village  
 Activity Time : 08 Januari 2021 s/d 11 Januari 2021  
 Activity Location : - Pisang Village  
 - Kota Baru Village  
 Activity Time : 14 Januari 2021 s/d 17 Januari 2021

Advertisement Type	Supervision	Order	Information
Banner	Not any	150	No Permission
Permanent Billboard	Not any	25	Expired Permit
decal	Not any	80	No Permission
Billboard	Not any	9	Permission Exceeds Limit
Banners	Not any	100	No Permission

Activity Location : - Maliaro Village  
 - Pisang Village  
 Activity Time : 04 Januari 2021 s/d 08 Januari 2021  
 Activity Location : - Takoma Village  
 - Tanah Tinggi Village  
 Activity Time : 11 Januari 2021 s/d 14 Januari 2021

Advertisement Type	Supervision	Order	Information
Banner	Not any	150	No Permission
Permanent Billboard	Not any	20	No Permission
Decal	Not any	69	No Permission
Billboard	Not any	10	Permission Exceeds Limit
Banners	Not any	150	No Permission

Activity Location : - Kalumpang Village  
 - Muhajirin Village  
 Activity Time : 09 April 2021 s/d 12 April 2021  
 Activity Location : - Maliaro Village  
 - Tanah Raja Village  
 Activity Time : 15 April 2021 s/d 18 April 2021

Advertisement Type	Supervision	Order	Information
Banner	Not any	250	No Permission
Permanent Billboard	Not any	25	No Permission
Decal	Not any	45	No Permission
Billboard	Not any	30	Permission Exceeds Limit
Banners	Not any	200	No Permission

Activity Location : - Maliaro Village  
 - Tanah Raja Village  
 Activity Time : 11 Juni 2021 s/d 14 Juni 2021  
 Activity Location : - Maliaro Village  
 - Tanah Raja Village  
 Activity Time : 17 Juni 2021 s/d 20 Juni 2021

Advertisement Type	Supervision	Order	Information
Banner	Not any	300	No Permission
Permanent Billboard	Not any	25	No Permission
Decal	Not any	60	No Permission
Billboard	Not any	25	Permission Exceeds Limit
Banners	Not any	200	No Permission

Activity Location : - Tanah Raja Village  
 - Mihajirin Village  
 Activity Time : 06 Agustus 2021 s/d 09 Agustus 2021  
 Activity Location : - Muhajirin Village

- Takoma Village  
 Activity Time : 12 Agustus 2021 s/d 15 Agustus 2021

Advertisement Type	Supervision	Order	Information
Banner	Not any	300	No Permission
Permanent Billboard	Not any	30	No Permission
Decal	Not any	50	No Permission
Billboard	Not any	25	Permission Exceeds Limit
Banners	Not any	250	No Permission

### *Intent, Purpose and Scope*

#### 1. Meaning

Activities in the billboard section have the intention of controlling the utilization public spaces, especially in terms of the administration of advertisements.

#### 2. Purpose

The purpose of the above activities is to create a city atmosphere that is more organized and far from the chaotic impression of organizing billboards.

#### 3. Scope

The scope of activities attached to the Billboard section broadly includes data collection, supervision and control activities on the implementation of billboards in the City of Ternate.

North Maluku Province, especially the City of Ternate, is related to the violation of billboards which is the center of attention of the Ternate City government. based on the reality on the ground, there are still many problems related to violations of billboards committed by business actors and also the public who lack knowledge regarding violations of billboards/advertisements that are posted in various places so that these actions certainly violate the provisions as formulated in the City Regional Regulations. Ternate No. 03 of 2017 as outlined in Article 27 paragraph (1), letter

1. Placing or using a location/place to install billboards that are not in accordance with the permits they have.
2. Installing billboards in city parks, tree trunks, tree branches, traffic signs, electricity poles or telephone poles, hospitals, military and police offices, educational environments, museums, places of worship and government centers.

From the explanation of the article above, which places where it is forbidden to install billboards/billboards, from here we can conclude that public awareness, especially in the city of Ternate, is still minimal about the rules made by the Ternate city government so that it destroys the city structure, there are many findings. billboards / billboards that are installed in any place so that it is an eyesore. Advertising is a tool to inform the public that it is important to attract the attention of consumers but is misused in terms of promotion.

Violations of placing advertisements in the form of billboards, banners, posters and other media in the city of Ternate, almost all of them in every kelurahan have posters, billboards, and stickers that are installed on the tin fences, the tree trunks of the electricity poles, so that they are an eyesore.

So the enforcement (PERDA) carried out by the Civil Service Police Unit (Satpol PP) cannot apply criminal sanctions, both fines and imprisonment because the criminal sanctions formulated in the Regional Regulation can provide excessive misery to business actors and are not commensurate with what is violated. . Then the implementation of the criminal sanctions is constrained due to considerations born from law enforcement, namely the large number of fines and confinement that are not proportional to the amount of income generated by the traders.

Law enforcement is an attempt to turn ideas and concepts into reality. Law enforcement is a process to make legal wishes come true. Based on that, what is referred to as legal desire here is none other than the legislators' thinkers formulated in these regulations. Speaker regarding the law enforcement process, it also extends to the making of laws. The formulation of the mind of legislators (laws) as outlined in legal regulations will also determine how law enforcement is carried out.

Law enforcement is a series of activities, efforts, and actions through the organization of various instruments to realize what is aspired by lawmakers or laws formulated in legal regulations. Law enforcement can also be interpreted as the process of making efforts to enforce or actually function legal norms as guidelines for behavior or legal relations in social and state life.

From the point of view of the subject, law enforcement has a broad and narrow meaning. Law enforcement in a broad sense, namely the law enforcement process involves all legal subjects in every legal relationship. Anyone who runs a normative rule or does something or does not do something based on the norms of the applicable law, means that he is carrying out or not doing something.

Enforce the rule of law. Law enforcement in a narrow sense, namely law enforcement is only defined as the efforts of certain law enforcement officials to guarantee and ensure that a rule of law runs as it should. In ensuring the enforcement of the law, if necessary, law enforcement officials are allowed to use force.

From the point of view of the object, namely in terms of law, it has a broad and narrow meaning. In a broad sense, law enforcement also includes the values of justice contained in the sound of formal rules and the values of justice that live in society. However, in the narrow sense, law enforcement only concerns the enforcement of formal and written regulations.

What is meant by law enforcement is more or less an effort made to make the law, both in a narrow formal sense and in a broad material sense, as a code of conduct in every legal act, both by the legal subjects concerned and by law enforcement officials. who are officially given the task and authority by law to guarantee the functioning of legal norms that apply in the life of society and the state.

Law enforcement through administrative instruments aims to prevent acts or neglect or do not meet the requirements, stop or return to their original state (before the violation), so that the focus of administrative sanctions is on actions. State administration law enforcement instruments include: supervision and application of sanctions. Supervision is a preventive measure to enforce compliance, while the application of sanctions is a repressive measure to enforce compliance.

Law enforcement is an important factor in realizing a legal product, as an effort to enforce or function real legal norms as a guide to behavior in the legal relationship of social life. Law enforcement can simply be interpreted as an effort to make the law function, operate and manifest concretely. Efforts to make the law function, operate (work) so that it becomes concrete a process is required. Thus law enforcement is "a process of working and functioning of the law



by law enforcement officers against behaviors that are formally or materially contrary to applicable legal norms<sup>12</sup>.

Law enforcement which in English is called lawenforcement or Dutch handhaving is a process to make legal wishes come true. The wishes of the law here are nothing but the thoughts of the legislature which are formulated in the rule of law. The essence of law enforcement is the compatibility of the relationship between the values that are spelled out in solid and tangible rules and behavior as a series of final value elaborations to create, maintain, and maintain peaceful social life<sup>13</sup>. With regard to law enforcement, Barda Nawawi Arief argues that law enforcement is uphold the values of truth and justice. This means that law enforcers are trusted by the community to uphold the values of truth and justice contained in the law.

Law enforcement within the scope of the Ternate City Regulation is the duty and function of the Ternate City Civil Service Police Unit as stated in PP no. 16 of 2018 which generally explains that the Satpol PP is tasked with enforcing regional regulations, local regulations holding public order and public peace and providing protection to the community<sup>14</sup>.

There is a transfer of place carried out by business actors such as fences, electricity poles, city parks as a place for attaching stickers, pamphlets, billboards, and others, traders or people who offer their services to attract consumers but the impact on the beauty of the city is damaged due to installation of billboards, stickers, pamphlets, which are indiscriminate. If it continues to be left without any attention from the Ternate City government in controlling the installation of billboards, which one?

The use that was built by the government using so much public money turned out to be a mere waste of the budget. So here we need the role of government and society in order to create a friendly city development for the people and the city of Ternate.

In this study, the researcher provides special limitations in terms of the object being studied, namely the act of violating the installation of billboards that are affixed or installed inappropriately. The installation of billboards carried out by means of promoting goods by using billboards, billboards, stickers or in the form of services is an act of violation as regulated in Article 27 paragraph 1 of the Ternate City Regulation concerning the Installation of Advertisements which is threatened with a criminal sanction of 3 (three) months or a maximum fine of Rp. 50,000,000 (fifty million Rupiah) as regulated in Article 32 Paragraph (1). These violations are very common in the city of Ternate, it can be seen in every sub-district which is still used as a place to install billboards, billboards, stickers. Even though there have been effortsto enforce the law conducted by the Ternate City Satpol PP. Administrative Sanctions Article 30 Paragraph Law enforcement efforts that have been carried out by Satpol PP are as follows:

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12 Day Ravena, *Kebijakan Kriminal* (Kencana, 2017).

13 Vivi Ariyanti, 'Kebijakan Penegakan Hukum dalam Sistem Peradilan Pidana Indonesia', *Yuridis*, 6.2(2019), 33–54.

14 Barda Nawawi Arief, *Masalah Penegakan Hukum Pidana Dalam Penanggulangan Kejahatan* (Jakarta: Kencana, 2008).

1. Any person or legal entity carrying out advertising activities that violates the provisions in Article 10, Article 11, Article 12, Article 13, Article 14, Article 15, Article 16 letter (a), Article 20 Paragraph (1) and paragraph (3), Article 24 and Article 27 of this Regional Regulation shall be subject to administrative sanctions.
2. The administrative sanctions as referred to in paragraph (1) are in the form of:
  - a. verbal reprimand
  - b. Written warning
  - c. Permission cancellation
  - d. License revocation
  - e. License suspension
  - f. Dismantling of advertisements
3. Further provisions regarding the mechanism and procedure for the application of administrative sanctions as referred to in paragraphs (1) and (2) regulated by the mayor's regulation.
  - a. verbal reprimand

The first step taken by the Satpol PP against the billboard violation is to give a verbal warning to business actors or service offerings that it is forbidden to put up billboards, billboards, stickers in any place because they spoil the view of the city and can disturb public order. However, the warning is only given verbally with the intention of stopping activities that violate these norms.

b. Written warning

Is an administrative sanction that can be given in the form of a written warning limiting business activities; temporary suspension of part or all of the means of production; and freezing of business activities. A written warning is a written warning for a violation committed by an entrepreneur. Restrictions on business activities are restrictions on production capacity in the form of goods or services within a certain time and/or delay in granting business permits in one or several locations for business actors who have billboard installation locations. or all means of production means not running part or all of the means of production in the form of goods or services within a certain time. Freezing of business activities means stopping the entire process of producing goods and services in the company within a certain time Business actors who install billboards, the first method is a written warning that does not have legal sanctions that can limit unlawful acts by violating billboards, while the enforcement process is also unable to confirm the sanctions. In the control process carried out by Satpol PP, it will be returned to its owner so that billboard violations can be carried out in the future, this certainly illustrates the lack of firmness of Satpol PP in enforcing the law.

Regarding law enforcement carried out by the Ternate City Satpol PP with reference to Article 27 paragraph (1) in conjunction with 32 paragraph (1) of Ternate City Regulation Number 43 of 2017 Regarding Advertising Violations that have been carried out not guided by the provisions in the article, it can be seen from the mechanism Law enforcement carried out by the Ternate City Satpol PP because the provisions of criminal sanctions contained in Article 14

paragraph (1) were not even applied. Enforcement efforts that have been carried out by the Ternate City Satpol PP have reflected the use of the principle of *susidairity* in giving warnings, Control and guidance, the three of which are law enforcement efforts in other ways than criminal sanctions. The law enforcement carried out by the Satpol PP regarding the violation of the installation of billboards does not refer to the regulation, it can be seen from the form of law enforcement carried out by the Ternate City Satpol PP not even applying the criminal sanctions contained in Article 32 paragraph (1). In this Article, the criminal sanctions referred to are criminal fines in the amount of Rp. 50,000,000'00 or imprisonment for 3 (three) months. The regulation of criminal sanctions when viewed from the formulation is alternative, which means that its application can use one of the two formulations of criminal sanctions contained in Article 32 paragraph (1).

The formulation of criminal sanctions in the regional regulations is a form of acknowledgment from the regulators to protect public order from violations, especially violations of billboards as a place to promote goods. Criminal provisions should be an option for resolving a legal problem. By not using criminal sanctions, both fines and criminal sanctions. The confinement as stated in Article 32 paragraph (1) of course ignores the criminal sanctions formulated in the Regional Regulation.

On the other hand, the regulation of criminal sanctions in Perda No 2 of 2017 shows the existence or acknowledgment of the use of criminal sanctions for violations that occur. It can be interpreted that criminal law is one way that can be used by Satpol PP in taking action against violations committed by business actors, especially in the business sector. However, the reality is that Satpol PP does not even use these criminal sanctions, either fines or imprisonment which confirms the neglect of criminal sanctions or the non-functioning of these criminal sanctions, which should be used because the *ultimum remedium* principle is attached to criminal law which defines criminal law as an effort to resolve a case which if the settlement by the previous method did not succeed.

On the other hand, the non-use of criminal sanctions in law enforcement by the Satpol PP also excludes the use of criminal sanctions the principles of its practical use and effectiveness, which in this case relates to the possibility of its enforcement and its impact on general prevention.

#### **D. Factors Affecting the Enforcement of Article 32 Paragraph (1) in conjunction with Article 27 Paragraph (1) Ternate City Regulation (Perda) No. 3 of 2017 Regarding Advertising Violations.**

The use of criminal sanctions as part of law enforcement policy efforts has the aim of providing protection and welfare to the community because basically law enforcement is part of a broader policy, namely social policies whose efforts must be rational. is a must<sup>15</sup>.

Law enforcement also cannot be separated from the history of society and the social structure in that society. Law and society have a close relationship that influences each other. On the other hand, law enforcement is not an activity that stands alone but has a relationship. its people. Therefore, when discussing law enforcement, one cannot ignore the existing internal structures in society. The community structure is an obstacle, either in the form of providing social facilities that allow law enforcement to be carried out, or providing obstacles that cause law enforcement to be unable to carry out or unable to work properly<sup>16</sup>.

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15 Ravena. Opcit. P 194

16 Ravena. Opcit.p 193

Regarding law enforcement according to Soerjono Soekamto, law enforcement is a process of adjustment between values, rules and real behavior patterns aimed at achieving prosperity and achieving peace. According to Soerjono Soekamto, the influencing factors in determining the validity of the law are<sup>17</sup>:

1. The legal factor itself (law)
2. Law enforcement factors, namely the parties that form and parties who apply the law
3. Factors of advice or infrastructure that support law enforcement
4. Community factors.

Close reciprocity with

1. Cultural Factors.

According to the author, apart from these five factors, the level of education can also be an influencing factor in law enforcement.

2. Legal Factors.

Factors concerning the substance or rule of law. The substance or rule of law is the starting point of the law enforcement process. These rules serve as guidelines for law enforcement officials to carry out law enforcement duties, because to a certain degree the quality of a regulation will determine the enforcement process.

As for a number of issues related to the matter of the substance of the rule of law, among others;

- a. Are the required regulations available;
- b. Is the formulation of the regulation clear and firm enough (*lex certa*)
- c. Is there no contradiction or overlapping of one rule with another.
- d. Is there a sanction that is equivalent to the prohibited act?
- e. Is the regulation still in accordance with the existing social reality.

3. Factors of Law Enforcement Apparatus.

Means talking about the human factor that enforces the law. Here the problem is that the legal apparatus feels bound to the existing regulations, the extent to which the synchronization of the assignments given to the apparatus so that they can carry out their authority appropriately, to what extent is the level of capability, integrity, and commitment of the apparatus, to what extent are officers allowed to exercise discretion in order to apply the law? appropriately and contextually and what kind of example should the apparatus give to the community so that they can be trusted.

4. Factors Of Facilities And Infrastructure.

Related to the availability of supporting resources that help smooth the law enforcement process. There are a number of problems related to facilities and infrastructure, both in terms of quality and quantity.

- a. Are the necessary facilities and infrastructure available?
- b. Are the available facilities and infrastructure still adequate and can still be used?
- c. Whether existing facilities have been used effectively.
- d. What facilities need to be provided to support law enforcement process.

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17 Ravena. Ibid.p 194

Supporting facilities and infrastructure have a very important role in law enforcement. Facilities and infrastructure can support law enforcement when the facilities and infrastructure owned by Satpol PP are adequate. In fact, Satpol PP still has shortcomings in terms of operational vehicles.

#### 5. Community Factors.

The rise of buying and selling activities that occur in the city of Ternate carried out by small-scale entrepreneurs using tree trunks, electric poles and fences as a tool to promote goods to be sold, but awareness of the rules is ignored by business actors so that they violate the billboard installation. Of course, this is an effect of the minimal level of legal awareness in the community, when viewed more broadly, the community is not only limited to business actors but also includes Satpol PP and other agencies.

Related agencies, such as sub-districts. Some of the factors described above also illustrate the level of legal awareness within the government. The involvement of unscrupulous individuals in terms of leaking information related to enforcement activities that will be carried out by Satpol PP to the involvement of individuals who are involved in bargaining about the location as a place of business also illustrates the low value of legal awareness and legal compliance as intended.

Legal awareness in society needs to be instilled and grown so that people become more obedient to the existing law, whether it is a written law or a law that grows and develops in society and its existence is recognized by the community.

Legal awareness is self-awareness without pressure, coercion, or orders from outside to submit to the applicable law. With the passage of legal awareness in society, the law does not need to impose sanctions. Sanctions are only imposed on citizens who are actually proven to have violated the law. The law contains orders and prohibitions. The law tells us which actions are contrary to the law if it is carried out, it will be threatened with legal sanctions. Actions that are contrary to the law are of course considered violating the law so that they are threatened with punishment.

As described above, all of these factors explain the implementation of law enforcement which often experiences obstacles. Because of community factors, cultural factors or habits carried out by the community, factors of law enforcement officers and factors of advice and facilities used by law enforcement officers. If examined carefully the above explanation also confirms that the relationship between these factors as a whole is interconnected so that it becomes complete when talking about law enforcement, it must also discuss all the components or elements involved in it.

#### 6. Cultural Factors.

Cultural factors according to Soejono Soekanto have a very large function for humans and society, namely regulating so that humans can understand how they should act, act and determine their attitudes when they relate to other people. Therefore Culture is a basic line of behavior that establishes rules about what to do and what not to. These five factors are closely related, because they are the essence of law enforcement, as well as a measure of the effectiveness of law enforcement. and UU

### CONCLUSION

Based on the description of the research results, several conclusions can be drawn as the core of these problems, namely as follows:

1. The form of law enforcement that has so far been carried out by the Satpol PP is the provision

place to install billboards or billboards and stickers, if they are still found to be installing again, guidance will be carried out on business actors who found re-installing billboards or stickers. On the other hand provisions for criminal sanctions contained in Article 32 paragraph (1) Regional Regulation No. 03 of 2017 concerning the Implementation of Advertisements which should be a reference for imposing sanctions on forms of violations to make effective the criminal sanctions contained in Article 32 paragraph (1) of Regional Regulation No. 03 year 2017.

2. The influencing factors are the lack of public knowledge related to the regulations made by the government, the low awareness in the community, the lack of socialization carried out by law enforcement so that the public is aware of the law, the City Government must also be able to provide socialization and understanding related to the regulations that apply to the community, especially business actors and are able to create a definite method or mechanism in the implementation. On the other hand, it must also improve facilities and supporting facilities in order to streamline law enforcement efforts by Satpol PP.

***Suggestion.***

1. Based on the research and analysis results described in the previous section, related to Law enforcement efforts carried out by the Ternate City Satpol PP should understand the principles that apply therein. The efforts made by the Satpol PP so far have many weaknesses and are not firm enough so that there is a need for a legal step that is able to provide certainty, benefit and justice. Satpol PP must also be able to apply sanctions that truly realize these three aspects. On the other hand, to reduce the level of violations that occur related to violations of the installation of billboards and stickers, the Ternate City Satpol PP must be able to streamline the criminal sanctions contained in Article 32 paragraph (1) of Regional Regulation No. 03 years old 2017.
2. Obstacles that often occur in enforcement efforts. The law by the Ternate City Satpol PP regarding the violation of the installation of billboards, stickers and pamphlets if the red thread is drawn is a weakness that arises from a lack of professionalism on the side of law enforcement officers as well as community factors and legal culture in it, for that the government basically must be able to

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