

**THE IMPLEMENTATION OF TOBACCO PRODUCT PROMOTION
CONTROLS IN MUSIC CONCERT ORGANIZATION TO PREVENT
VIOLATIONS OF TOBACCO SPONSORSHIP LAWS FROM THE
PERSPECTIVE OF MAQASHID SYARI'AH**
(A Study at The Investment and One-Stop Integrated Service Agency of Malang
City)

THESIS

BY:

DAVINA MUTIARA TASYA

SIN. 220202110171



**SHARIA ECONOMIC LAW STUDY PROGRAM
FACULTY OF SHARIA
MAULANA MALIK IBRAHIM STATE ISLAMIC UNIVERSITY OF
MALANG**

2026

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MALANG**

2026

DECLARATION OF THESIS AUTHENTICITY

In the name of Allah,

With full awareness and a sense of responsibility for the development of knowledge, the author hereby declares that the thesis entitled:

THE IMPLEMENTATION OF TOBACCO PRODUCT PROMOTION CONTROLS IN MUSIC CONCERT ORGANIZATION TO PREVENT VIOLATIONS OF TOBACCO SPONSORSHIP LAWS FROM THE PERSPECTIVE OF MAQASHID SYARI'AH (A Study at The Investment and One-Stop Integrated Service Agency of Malang City)

is truly an original work written independently in accordance with the principles of scientific writing and can be accounted for. Should it later be proven that this thesis is a result of plagiarism, either in part or in whole, then this thesis as a requirement for obtaining a degree shall be declared null and void by law.

Malang, 7th of May 2026

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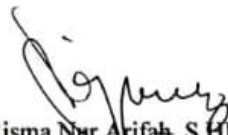
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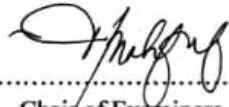
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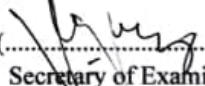
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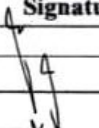
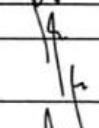
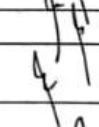
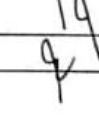


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MOTTO

وَمَنْ يَتَوَكَّلْ عَلَى اللَّهِ فَهُوَ حَسْبُهُ

“And whoever puts their trust in Allah, then He alone is sufficient for them.”

(QS. At-Talaq: 3)

“It’s alright to stop. There’s no need to run without knowing the reason.”

(Paradise - BTS)

PREFACE

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Alhamdulillah wa syukurillah, all praise be to Allah SWT, the Most Gracious and the Most Merciful, for His blessings, guidance, and mercy that have enabled the completion of this thesis entitled:

THE IMPLEMENTATION OF TOBACCO PRODUCT PROMOTION CONTROLS IN MUSIC CONCERT ORGANIZATION TO PREVENT VIOLATIONS OF TOBACCO SPONSORSHIP LAWS FROM THE PERSPECTIVE OF MAQASHID SYARIAH (A STUDY AT THE INVESTMENT AND ONE-STOP INTEGRATED SERVICE AGENCY OF MALANG CITY)

properly and on time. May peace and blessings be upon the great Prophet Muhammad SAW, who has guided human kind from the darkness to the day after by *ad-dīn al-Islām wal-īmān*.

This thesis has been prepared to fulfill the final requirement for students to obtain a bachelor of law degree in the Department of Sharia Economic Law, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University of Malang. The successful completion of this thesis would not have been possible without the guidance, direction, assistance, and encouragement of many parties. Therefore, on this occasion, the author would like to express sincere gratitude to:

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2. Prof. Dr. Hj. Umi Sumbulah, M. Ag., as the Dean of the Faculty of Sharia
3. Dwi Hidayatul Firdaus, M. SI., as the Head of the Department of Sharia Economic Law
4. Iffaty Nasyi'ah, M.H., as the author's academic advisor, for the continuous advice and encouragement provided during the author's years of study

5. Risma Nur Arifah, M.H., as the author's thesis advisor, for the valuable guidance and patience in assisting the completion of this thesis
6. All lecturers of the Faculty of Sharia for their dedication and knowledge, which have greatly contributed to author's academic and personal growth
7. All employees and staff of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University of Malang. The author would like to express great appreciation for their assistance in the process of completing this thesis.
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9. To the author's beloved younger sister, Yasmine Syahwal Oryza Sativa, thank you for teaching the author the meaning of courage in many ways. Thank you for always being there through simple yet meaningful moments, for bringing strength during difficult times, and for becoming one of the reasons the author kept moving forward. From you, the author learned that courage is not about being fearless, but about continuing to move forward despite hardships. Thank you for growing alongside the author and becoming one of the most precious parts of this journey.

10. To all members of PIHANG HOHENG, whom the author has come to regard as family. Thank you for being present since the very beginning of the author's journey in university and for remaining together until this point, standing by each other through every situation. Thank you for always being there, even during the days when everything felt heavy and exhausting. Thank you for every small act of support, every simple conversation, every unasked favor, and every moment of togetherness that, without realizing it, became the reason the author was able to keep moving forward. There are many things that may never have been expressed directly, but the author has always felt grateful to have met such kind and genuine people like all of you.
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12. Bangtan Sonyeondan (방탄소년단), who indirectly became a part of the author's journey throughout college and during the completion of this thesis. Through their music and messages, the author learned about perseverance, self-belief, and the courage to keep moving forward even during difficult times. On exhausting days, their works became a source of comfort and strength for the author. More than just a music group, BTS reminded the author that every long and difficult process is still worth fighting for.
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heavy, exhausting, full of doubt, and filled with uncertainty. Thank you for continuing to move forward, even when every step felt slow and things did not always go as expected. It was not easy to go through every process, pressure, and fear throughout this journey, but the author has proven that all of it could be faced little by little. Thank you for learning to become stronger, more patient, and braver in facing many things that once felt frightening. Thank you for continuing to believe that every effort, no matter how small, still has meaning. Perhaps this journey is not perfect, but reaching this point alone is already a very meaningful achievement for the author. May after everything that has been through, the author continue to grow, never lose herself, and always find reasons to keep moving forward.

With the completion of this thesis, Author hopes the insights gained during Author's study at Maulana Malik Ibrahim State Islamic University Malang will serve a meaningful purpose both now and in the future. While this work represents a dedicated effort, the author fully aware that this thesis is full of limitations and remains welcome to constructive feedback and suggestions to refine future scholarly improvement.

Malang, 7th May 2026
Author

Davina Mutiara Tasya
NIM 220202110171

TRANSLITERATION GUIDELINES

In the writing of scientific papers, the use of foreign terms is often inevitable. According to the General Guidelines for Indonesian Spelling, foreign words are generally written in italics. For Arabic terms, there are specific transliteration guidelines that apply internationally. The following table presents these transliteration guidelines as a reference for academic writing. The Arabic–Indonesian transliteration system used by the Faculty of Sharia at Maulana Malik Ibrahim State Islamic University of Malang follows the Library of Congress (LC) model of the United States, as outlined below:

Arab	Indonesia	Arab	Indonesia
ا	`	ط	ṭ
ب	b	ظ	ẓ
ت	t	ع	‘
ث	th	غ	gh
ج	j	ف	f
ح	ḥ	ق	q
خ	kh	ك	k
د	d	ل	l
ذ	dh	م	m
ر	r	ن	n
ز	z	و	w
س	s	هـ	h
ش	sh	أ/ء	’
ص	ṣ	ي	y
ض	ḍ		

To indicate a long vowel sound (*madd*), a horizontal line is placed above the letter, as in ā, ī, and ū (أ, ي, و). Arabic diphthongs are transliterated by combining the letters “ay” and “aw,” as in *layyinah* and *lawwāmah*. Words ending in *tā’ marbūṭah* that function as adjectives or *muḍāf ilayh* are transliterated with “ah,” while those functioning as *muḍāf* are transliterated with “at.”

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ABSTRAK

Davina Mutiara Tasya, 220202110171, 2026. *Implementasi Pengendalian Promosi Produk Tembakau dalam Penyelenggaraan Konser Musik untuk Mencegah Pelanggaran Hukum Sponsorship Tembakau Perspektif Maqashid Syariah (Studi pada Dinas Tenaga Kerja, Penanaman Modal dan Pelayanan Terpadu Satu Pintu Kota Malang)*. Skripsi. Program Studi Hukum Ekonomi Syariah, Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang. Pembimbing: Risma Nur Arifah, S.H.I., M.H.

Kata Kunci: pengendalian promosi produk tembakau, penyelenggaraan konser musik, sponsorship tembakau, maqashid syariah.

Penyelenggaraan konser musik sering dimanfaatkan sebagai media promosi produk tembakau melalui praktik sponsorship. Meskipun Pasal 35 Peraturan Pemerintah Nomor 109 Tahun 2012 telah membatasi promosi dan sponsorship produk tembakau, dalam praktiknya masih ditemukan pelanggaran berupa distribusi rokok dan penggunaan merek rokok dalam kegiatan konser musik. Kondisi tersebut menunjukkan adanya kesenjangan antara ketentuan hukum yang berlaku dengan pelaksanaannya di lapangan. Penelitian ini berfokus pada implementasi pengendalian promosi produk tembakau dalam penyelenggaraan konser musik oleh Dinas Tenaga Kerja, Penanaman Modal dan Pelayanan Terpadu Satu Pintu (Disnaker PMPTSP) Kota Malang serta analisisnya berdasarkan perspektif maqashid syariah.

Penelitian ini merupakan penelitian hukum empiris dengan pendekatan yuridis-sosiologis. Data diperoleh melalui wawancara, observasi, dan dokumentasi, kemudian dianalisis secara kualitatif dengan menghubungkan ketentuan hukum positif dan fakta empiris yang ditemukan di lapangan.

Hasil penelitian menunjukkan bahwa pengendalian promosi produk tembakau dalam penyelenggaraan konser musik belum berjalan optimal. Disnaker PMPTSP berperan dalam penerbitan Izin Penyelenggaraan Tontonan (IPT) sebagai persyaratan administratif, namun tidak memiliki kewenangan pengawasan langsung terhadap praktik sponsorship tembakau dalam pelaksanaan konser. Pencegahan pelanggaran sponsorship tembakau memerlukan pengawasan dan koordinasi antarinstansi yang berwenang. Dalam perspektif maqashid syariah, pengendalian promosi produk tembakau sejalan dengan tujuan perlindungan jiwa (*hifz al-nafs*) dan akal (*hifz al-'aql*) karena bertujuan mencegah kemudaratannya yang dapat ditimbulkan oleh promosi produk tembakau terhadap masyarakat..

ABSTRACT

Davina Mutiara Tasya, 220202110171, 2026. *The Implementation of Tobacco Product Promotion Control in the Organization of Music Concerts to Prevent Legal Violations of Tobacco Sponsorship from the Perspective of Maqashid Shari'ah (A Study at the Department of Manpower, Investment, and One-Stop Integrated Services of Malang City)*. Undergraduate Thesis. Islamic Economic Law Study Program, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University of Malang. Supervisor: Risma Nur Arifah, S.H.I., M.H.

Keywords: tobacco product promotion control, music concert organization, tobacco sponsorship, maqashid shari'ah.

The organization of music concerts is often utilized as a medium for promoting tobacco products through sponsorship practices. Although Article 35 of Government Regulation Number 109 of 2012 has restricted tobacco product promotion and sponsorship, the use of cigarette brand names and the distribution of tobacco products are still found in music concert activities. This condition indicates a gap between the applicable legal provisions and their implementation in practice. This study aims to analyze the implementation of tobacco product promotion control in the organization of music concerts by the Department of Manpower, Investment, and One-Stop Integrated Services (Disnaker PMPTSP) of Malang City and to examine it from the perspective of Maqashid Shari'ah.

This study employs an empirical legal research method with a juridical-sociological approach. Data were collected through interviews, observations, and documentation and were analyzed qualitatively by relating positive legal provisions to empirical facts found in the field.

The results show that the control of tobacco product promotion in the organization of music concerts has not been implemented optimally. Disnaker PMPTSP is responsible for issuing the Entertainment Event Permit (*Izin Penyelenggaraan Tontonan/IPT*) as an administrative requirement but does not possess direct supervisory authority over tobacco sponsorship practices during concert implementation. The prevention of tobacco sponsorship violations requires supervision and coordination among the competent authorities. From the perspective of Maqashid Shari'ah, the control of tobacco product promotion is in line with the objectives of protecting life (*hifz al-nafs*) and intellect (*hifz al-'aql*), as it aims to prevent the harm that may arise from tobacco product promotion within society.

الملخص

دافينا موتيارا تاسيا، ٢٠٢٦، ٢٢٠٢٠٢١١٠١٧١، تنفيذ الرقابة على الترويج لمنتجات التبغ في تنظيم الحفلات الموسيقية لمنع المخالفات القانونية لرعاية منتجات التبغ من منظور مقاصد الشريعة (دراسة في دائرة القوى العاملة والاستثمار والخدمات المتكاملة ذات النافذة الواحدة بمدينة مالانغ)، بحث جامعي، قسم أحكام الاقتصاد الشرعي، كلية الشريعة، جامعة مولانا مالك إبراهيم الإسلامية الحكومية بمالانغ. المشرفة: الأستاذة الدكتورة ريسما نور عارفة، الماجستير.

الكلمات المفتاحية: الرقابة على الترويج لمنتجات التبغ، تنظيم الحفلات الموسيقية، رعاية منتجات التبغ، مقاصد الشريعة. غالبًا ما تُستخدم الحفلات الموسيقية وسيلةً للترويج لمنتجات التبغ من خلال أنشطة الرعاية التجارية. وعلى الرغم من أن المادة (٣٥) من اللائحة الحكومية رقم ١٠٩ لسنة ٢٠١٢ قد فرضت قيودًا على الترويج لمنتجات التبغ ورعايتها، إلا أن استخدام العلامات التجارية للسجائر وتوزيع منتجات التبغ ما زال يُلاحظ في الأنشطة الموسيقية. ويُظهر هذا الواقع وجود فجوة بين الأحكام القانونية النافذة وتطبيقها العملي. وتهدف هذه الدراسة إلى تحليل تنفيذ الرقابة على الترويج لمنتجات التبغ في تنظيم الحفلات الموسيقية من قبل دائرة القوى العاملة والاستثمار والخدمات المتكاملة ذات النافذة الواحدة بمدينة مالانغ، وتحليل ذلك من منظور مقاصد الشريعة.

تعتمد هذه الدراسة على منهج البحث القانوني التجريبي ذي المقاربة القانونية الاجتماعية. وقد جُمعت البيانات من خلال المقابلات والملاحظات والتوثيق، ثم حُلِّلت تحليلًا نوعيًا من خلال الربط بين الأحكام القانونية الوضعية والوقائع الميدانية. وأظهرت نتائج الدراسة أن الرقابة على الترويج لمنتجات التبغ في تنظيم الحفلات الموسيقية لم تُنفَّذ بصورة مثلى. إذ يقتصر دور دائرة القوى العاملة والاستثمار والخدمات المتكاملة ذات النافذة الواحدة على إصدار تصريح إقامة العروض بوصفه متطلبًا إداريًا، دون أن تمتلك صلاحية الرقابة المباشرة على ممارسات رعاية منتجات التبغ أثناء إقامة الحفلات. كما أن منع المخالفات المتعلقة برعاية منتجات التبغ يتطلب إشراقًا وتنسيقًا بين الجهات المختصة. ومن منظور مقاصد الشريعة، فإن الرقابة على الترويج لمنتجات التبغ تتوافق مع مقصدي حفظ النفس (وحفظ العقل) وحفظ العقل (حفظ العقل)، لما تهدف إليه من منع الأضرار التي قد تنشأ عن الترويج لمنتجات التبغ في المجتمع

CHAPTER I

INTRODUCTION

A. Background

Music concerts are one of the most popular forms of entertainment, particularly among the younger generation in Indonesia, who grow up within a culture of community-based entertainment and direct experiential engagement.¹ In practice, organizing a concert requires substantial operational costs, ranging from stage production expenses, artist fees, event promotion, to the management of security and facilities. Therefore, concert organizers typically collaborate with various sponsors, with sponsorship serving as one of the primary sources of funding for entertainment events, including music concerts. Through sponsorship agreements, sponsors gain the opportunity to introduce their products or brands to a wider audience. This makes concerts an effective promotional medium, as they are capable of gathering large crowds at a single event.² One form of sponsorship that is quite commonly found in music concert organization is sponsorship from the tobacco industry.

¹ Hario Megatsari dkk., "Tobacco Advertising, Promotion, Sponsorship and Youthsmoking Behavior: The Indonesian 2019 Global Youth Tobacco Survey (GYTS)," *Tobacco Induced Diseases* 21, no. December (Desember 2023): 1–7, <https://doi.org/10.18332/tid/174644>.

² Maja Schjørring dkk., "Denormalising Tobacco at a Danish Music Festival," *Tobacco Prevention & Cessation* 5, no. October (Oktober 2019), <https://doi.org/10.18332/tpc/112672>.

The tobacco industry globally has long utilized various platforms to build brand image and enhance consumer loyalty.³ Through such sponsorships, tobacco companies not only display their products but also associate them with modern lifestyles, creativity, and a sense of freedom often linked to the entertainment world. This marketing strategy is considered capable of creating positive associations with tobacco products among young people and has been empirically proven to increase the tendency of adolescents to try smoking and eventually become active smokers.⁴ However, on the other hand, these practices raise concerns as they may increase exposure to tobacco promotion and heighten public interest in smoking, particularly among the younger generation. This condition makes young people more likely to associate smoking with an attractive and modern lifestyle, despite the well-known negative impacts on both active and passive smokers.

Recognizing the potential negative impacts, the government has regulated restrictions on tobacco product promotion through Government Regulation Number 109 of 2012 concerning the Safeguarding of Materials Containing Addictive Substances in the Form of Tobacco Products for Health. This regulation explains that tobacco product promotion is permitted, provided

³ World Health Organization, "WHO report on the global tobacco epidemic, 2013: enforcing bans on tobacco advertising, promotion and sponsorship," diakses 8 Maret 2026, <https://www.who.int/publications/i/item/9789241505871>.

⁴ Tobacco Control Support Center dan Ikatan Ahli Kesehatan Masyarakat Indonesia (TCSC-IAKMI), Paparan Iklan, Promosi, dan Sponsor Rokok di Indonesia: Laporan Penelitian (Jakarta: TCSC-IAKMI, 2018), http://www.tcsc-indonesia.org/wp-content/uploads/2018/10/Hasil-Studi-Paparan-Iklan-Promosi-dan-Sponsor-Rokok-di-Indonesia_TCSC-IAKMI.pdf.

that it complies with certain restrictions. Article 35 explicitly prohibits the distribution of free cigarettes, the provision of cigarettes as prizes, and the use of tobacco product logos or brands that directly promote cigarette consumption in public events.⁵ In practice, however, violations still occur. For example, a tobacco sponsorship violation took place in Malang City during the “Festival 76” concert in 2024, where audience members received free cigarettes through ticket exchanges. This was further supported by an interview with a volunteer identified by the initials SF, who stated that “each ticket exchange was directly accompanied by the provision of cigarette products, concert wristbands, coffee, and lighters.”

In addition, there are violations in the form of the use of cigarette brands and/or logos displayed on posters uploaded to the organizer’s social media (see image). This condition indicates that tobacco product promotion can still occur through various forms of entertainment activities despite existing regulations. The question that arises is not merely whether the regulations exist, but to what extent the existing licensing mechanisms particularly those implemented by the Department of Manpower and Investment and One-Stop Integrated Services (Disnaker PMPTSP) are able to function as effective instruments for controlling tobacco product promotion practices. Based on preliminary findings, in the concert licensing process, Disnaker PMPTSP only issues an Entertainment

⁵ Pasal 35 ayat 2 Peraturan Pemerintah Nomor 109 Tahun 2012 Tentang Pengamanan Bahan yang Mengandung Zat Adiktif berupa Produk Tembakau Bagi Kesehatan

Event Permit (Izin Penyelenggaraan Tontonan/IPT) as an administrative requirement, without any accompanying mechanism for sponsorship verification or on-site supervision during the event. This serves as the starting point of this research, namely to examine the extent to which the music concert licensing mechanism at the Disnaker PMPTSP of Malang City can function as an instrument for controlling tobacco product promotion based on Government Regulation No. 109 of 2012.

Figure 1.1 Empirical Evidence of Cigarette Distribution at a Music Concert Event in Malang



Distribution of cigarettes and concert wristbands Use of product logos on event posters

Source: Organizer's social media page

Government Regulation Number 109 of 2012 represents the government's effort to protect the public from the harmful effects of smoking. This regulation is a derivative of Law Number 36 of 2009 on Health, which is rooted in Article 28H paragraph (1) of the 1945 Constitution, concerning the

right of every citizen to live in good health and to obtain a proper environment. However, in its implementation, Government Regulation No. 109 of 2012 has not been effectively enforced at the regional level. The main obstacles in its implementation are caused by a lack of socialization among business actors, weak coordination between central and local governments, and minimal field supervision, resulting in the continued occurrence of violations related to advertising and promotion of tobacco products in various regions, including Malang City.⁶ This condition demonstrates that the mere existence of regulations is insufficient without firm supervision and inter-agency synergy in their implementation.

Maqashid Shari'ah is generally understood as the primary objective behind the establishment of Islamic law, which is to achieve public welfare (maslahah) and prevent harm (mafsadah) for humanity.⁷ Islamic law does not only regulate human life in terms of outward behavior or formal actions, but also aims to maintain a balance between worldly and spiritual interests.⁸ These legal objectives are realized through the protection of fundamental human needs encompassing spiritual, social, and moral aspects. In the study of ushul

⁶ Krisna Nur Alfian Siswanto, Hudi Yusuf, "Efektivitas Peraturan Pemerintah Nomer 109 Tahun 2012 Dalam Pengamanan Zat Adiktif Pada Produk Tembakau", *Jiic: Jurnal Intelek Insan Cendikia* no. 9 (2024): <https://jicnusantara.com/index.php/jiic> .

⁷ Paryadi Paryadi, "MAQASHID SYARIAH : DEFINISI DAN PENDAPAT PARA ULAMA," *Cross-Border* , no. 2 (2021): 201–216. <https://journal.iaisambas.ac.id/index.php/Cross-Border/article/view/742>.

⁸ Ridwan Jamal, "MAQASHID AL-SYARI'AH DAN RELEVANSINYA DALAM KONTEKS KEKINIAN," *Jurnal Ilmiah Al-Syir'ah* 8, no. 1 (Juni 2016), <https://doi.org/10.30984/as.v8i1.34>.

fiqh, maqashid shari'ah is categorized into three levels: dharuriyyat (essential needs crucial for survival), hajiyyat (complementary needs that facilitate life), and tahsiniyyat (refinement needs that uphold moral and ethical perfection).⁹ These three levels function to safeguard the five essential aspects of human life, known as al-kulliyat al-khamsah: religion, life, intellect, lineage, and property.

In the context of this research, maqashid shari'ah serves as a moral and philosophical foundation for controlling the promotion of tobacco products, as cigarette promotion can undermine two essential aspects, namely the protection of life (hifz al-nafs) and the protection of intellect (hifz al-'aql). Therefore, the application of maqashid shari'ah principles in music concert licensing policies does not merely serve as compliance with positive law, but also as a concrete manifestation of the local government's responsibility to safeguard public welfare and prevent social harm within society.

Several previous studies have demonstrated the relationship between the implementation of tobacco promotion control and the effectiveness of Government Regulation Number 109 of 2012 at the regional level. Julian et al. (2025) examined the implementation of this regulation in Rejang Lebong Regency and found that weak supervision of tobacco promotion activities has led to numerous violations, particularly those involving children and

⁹ Paryadi, "MAQASHID SYARIAH."

adolescents.¹⁰ Sugiyo and Sutrisno (2021) studied community participation in protecting students from exposure to tobacco advertising and sponsorship, and their findings indicate that collaboration between local governments, schools, and communities significantly influences the success of tobacco promotion control.¹¹ Meanwhile, Ismail and Nugroho (2024) analyzed consumer protection against cigarette advertising and emphasized that the implementation of regulations in Indonesia remains suboptimal due to weak law enforcement in the field.¹² In contrast to these studies, this research focuses on the implementation of tobacco promotion control within the licensing of music concerts by the Department of Manpower and Investment and One-Stop Integrated Services (Disnaker PMPTSP) of Malang City, as well as examining the prevention of legal violations related to cigarette sponsorship through the lens of Maqashid Shari'ah values, which emphasize the protection of life and intellect.

The selection of the Department of Manpower, Investment, and One-Stop Integrated Services (Disnaker PMPTSP) of Malang City as the research

¹⁰ Dea Julian, David Aprizon Putra, dan Sidiq Aulia, “Efektivitas Penerapan Peraturan Pemerintah Nomor 109 Tahun 2012 Tentang Pengamanan Bahan Yang Mengandung Zat Adiktif Berupa Produk Tembakau Bagi Kesehatan Bagi Perokok Ditinjau Dari Maqashid Syariah (Studi kasus Kecamatan Curup Timur)” (undergraduate, Institut Agama Islam Negeri (IAIN) Curup, 2025), <https://e-theses.iaincurup.ac.id/9372/>.

¹¹ Dianita Sugiyo dan Resti Yulianti Sutrisno, “Partisipasi Masyarakat Dalam Melindungi Pelajar Sekolah Dari Iklan, Promosi, Dan Sponsor Tembakau,” *Journal of Community Engagement in Health* 4, no. 1 (Maret 2021): 97–102, <https://doi.org/10.30994/jceh.v4i1.98>.

¹² Abil Fida Ismail dan Widhi Cahyo Nugroho, “Peraturan Perundang-Undangan di Indonesia Terkait Perlindungan Konsumen Terhadap Iklan Produk Rokok,” . . *Vol. 2*, no. 4 (t.t.).

locus is based on Article 3 of Malang Mayor Regulation Number 3 of 2020 and Article 4 paragraph (2) of Malang Mayor Regulation Number 37 of 2021, which grant this institution the authority to issue Entertainment Event Permits (Izin Penyelenggaraan Tontonan / IPT). This authority positions the Disnaker PMPTSP as the key institution in the entire music concert organization process not merely at the administrative licensing stage, but also as an entry point that should function to control the nature and form of sponsorship utilized by event organizers. This research is expected to contribute to strengthening supervisory mechanisms within concert organization so that such events do not serve as instruments for tobacco sponsorship law violations. From the perspective of Maqashid Shari'ah, this research further affirms the importance of applying the values of protection of life (hifz al-nafs) and protection of intellect (hifz al-'aql) in every public policy, such that the analysis is not merely concerned with whether existing regulations are capable of addressing tobacco promotion control substantively, but also with how such conditions are evaluated through the lens of public welfare (maslahah) and harm prevention (mafsadah) within the framework of Maqashid Shari'ah.

B. Research Questions

1. How is the implementation of tobacco product promotion control within the music concert organization process at the Department of Manpower, Investment, and One-Stop Integrated Services (Disnaker PMPTSP) of Malang City in preventing tobacco sponsorship violations?

2. How does the perspective of Maqashid Shari'ah view the implementation of tobacco product promotion control within the music concert organization process that can be conducted by the Department of Manpower, Investment, and One-Stop Integrated Services (Disnaker PMPTSP) of Malang City to prevent tobacco sponsorship law violations?

C. Research Objective

1. To analyze the implementation of tobacco product promotion control in the process of licensing music concerts at the Department of Investment and One-Stop Integrated Services (DPMPTSP) of Malang City as an effort to prevent legal violations of cigarette sponsorship that are contrary to the provisions of Government Regulation Number 109 of 2012.
2. To examine the perspective of Maqashid Shari'ah on the implementation of tobacco product promotion control in music concert licensing at DPMPTSP of Malang City, particularly from the standpoint of protecting life (hifz al-nafs) and intellect (hifz al-'aql) as a moral foundation for preventing harm to society.

D. Research Benefits

1. Theoretical Benefits

This research is expected to contribute to the development of legal studies, particularly in the fields of administrative law and Islamic economic law, through the integration of positive legal norms and the

principles of Maqashid Shari'ah. It is also expected to serve as an academic reference in understanding how the application of the principle of public welfare (maslahah) can be used as an ethical foundation in public policy-making, especially in the context of controlling the promotion of tobacco products.

2. Practical Benefits

- a. For the Local Government (Department of Investment and One-Stop Integrated Services of Malang City):

This research can serve as an evaluative reference and provide input for strengthening the concert licensing system to be more selective regarding proposed forms of sponsorship. In addition, the findings can be used as a basis for improving the supervision mechanism of tobacco promotion so that it aligns with the principles of legal protection and public welfare.

- b. For Event Organizers:

This research provides an understanding of the legal limitations of sponsorship and tobacco product promotion in accordance with Government Regulation No. 109 of 2012, enabling organizers to be more cautious in establishing partnerships with sponsors and to ensure that entertainment activities remain lawful, ethical, and not contrary to social and religious values.

- c. For the Public and Supervisory Institutions:

This research is beneficial in increasing public legal awareness regarding the dangers of tobacco promotion and the importance of public oversight of events that have the potential to violate legal provisions on tobacco sponsorship. Furthermore, this study can foster public support for government policies in creating a healthy, safe, and morally sound entertainment environment.

E. Structure of the Discussion

The structure of the research entitled “Implementation of Tobacco Product Promotion Control in Concert Licensing to Prevent Legal Violations of Cigarette Sponsorship from the Perspective of Maqashid Shari’ah” is as follows:

1. Chapter I: Introduction

Chapter I of this research is the introduction. It contains several explanatory points, namely the background of the problem, research questions, research objectives, and research benefits. The background of the problem provides a general overview of the issues discussed in this study. The research questions consist of two main questions. The research objectives correspond to the number of research questions. The benefits of this research are divided into two, namely theoretical benefits and practical benefits.

2. Chapter II: Literature Review

Chapter II of this research is the literature review. This chapter discusses previous studies and the theoretical framework related to the implementation of tobacco product promotion control in concert licensing to prevent legal violations of cigarette sponsorship from the perspective of Maqashid Shari'ah.

3. **Chapter III: Research Methodology**

Chapter III of this research is the research methodology. This chapter is divided into several sub-sections, namely: type of research, research approach, research location, data sources, data collection methods, and data processing methods. The type of research used is empirical juridical research. The data sources consist of primary and secondary data. Data collection methods include interviews, observation, and documentation. Data processing is carried out in three stages: data reduction, data presentation, and data verification, followed by drawing conclusions.

4. **Chapter IV: Research Findings and Discussion**

Chapter IV of this research presents the findings and discussion. This chapter contains answers to the problems formulated in the research questions. It provides an analysis of the implementation of tobacco product promotion control in music concert licensing at the Disnaker PMPTSP of Malang City, as well as the perspective of Maqashid Shari'ah on such implementation.

5. **Chapter V: Conclusion and Recommendations**

Chapter V is the closing section of this research. It contains the conclusion and recommendations. The conclusion summarizes the key findings derived from the study and provides concise answers to the research questions presented in Chapter I. The recommendations are addressed to relevant stakeholders as well as future researchers.

CHAPTER II

LITERATURE REVIEW

A. Previous Literature

Various previous studies have discussed tobacco product promotion, cigarette sponsorship practices in public activities, and tobacco control policies from both health and legal regulatory perspectives. However, studies that comprehensively examine the implementation of tobacco product promotion control within the process of music concert licensing to prevent cigarette sponsorship violations from the perspectives of positive law and Maqashid Shari'ah remain relatively limited. Most previous studies have focused more on aspects of cigarette promotion and the influence of sponsorship on public consumption behavior, particularly among the younger generation. In addition, several studies have examined tobacco product control policies through government regulations and various efforts to restrict cigarette advertising and promotion in public spaces. Other studies have also explored the concept of preventing harm in Islamic law through the Maqashid Shari'ah approach within public protection policies. Nevertheless, research connecting entertainment event licensing mechanisms with efforts to control tobacco product promotion is still rarely conducted.

This study seeks to fill this gap by examining the implementation of tobacco product promotion control within the process of music concert licensing in

Malang City as a form of preventive supervision. The research adopts a juridical-empirical approach by combining positive legal analysis with the perspective of Maqashid Shari'ah to evaluate policy implementation in practice. The focus of the study is directed toward the role of the Department of Manpower, Investment, and One-Stop Integrated Services (Disnaker PMPTSP) of Malang City in conducting supervision through entertainment event licensing mechanisms. Thus, this research is expected to contribute to legal studies concerning tobacco product promotion control while also enriching public policy analysis from the perspective of Maqashid Shari'ah. Several previous studies relevant to this research are summarized as follows:

1. The study entitled "*Tobacco Advertising, Promotion, Sponsorship and Youth Smoking Behavior: The Indonesian 2019 Youth Tobacco Survey (GYTS)*" by Hario Megatsari et al. (2023) examined the relationship between tobacco advertising, promotion, and sponsorship (TAPS) and youth smoking behavior in Indonesia using data from the 2019 Global Youth Tobacco Survey (GYTS). The study found that the prevalence of active smoking among male adolescents reached 38.3%, and adolescents exposed to more than one type of cigarette promotion were 1.67 times more likely to become active smokers. This research employed a secondary data analysis method with logistic regression adjusted for sociodemographic variables, thereby producing strong quantitative evidence. Based on these findings, the study concluded that TAPS significantly increases youth

smoking behavior and recommended a total ban on all forms of TAPS in Indonesia to protect the health of younger generations. This study serves as an important empirical foundation in emphasizing the urgency of supervising cigarette sponsorship in music concert licensing, particularly in closing legal loopholes that have long been exploited by the tobacco industry in Indonesia.¹³

2. A study conducted by Dea Julian, Dwi Agung Putra, and Siti Aulia (2025), entitled “*Government Regulation Number 109 of 2012 Concerning the Safeguarding of Materials Containing Addictive Substances in the Form of Tobacco Products for Health among Child Smokers in Rejang Lebong Regency*”, examined the implementation of tobacco promotion control at the regional level. The findings revealed that weak supervision by local governments regarding the implementation of Government Regulation No. 109 of 2012 has contributed to the continued prevalence of cigarette promotion activities involving children. These findings provide an important basis for the present study in assessing the effectiveness of tobacco product promotion control in Malang City through stricter music concert licensing mechanisms.¹⁴

¹³ Megatsari dkk., “Tobacco Advertising, Promotion, Sponsorship and Youthsmoking Behavior.”

¹⁴ Julian, Putra, dan Aulia, “Efektivitas Penerapan Peraturan Pemerintah Nomor 109 Tahun 2012 Tentang Pengamanan Bahan Yang Mengandung Zat Adiktif Berupa Produk Tembakau Bagi Kesehatan Bagi Perokok Ditinjau Dari Maqashid Syariah (Studi kasus Kecamatan Curup Timur).” (Undergraduated Thesis, Institut Agama Islam Negeri Curup, 2025) <https://e-theses.iaincurup.ac.id/9372/>

3. A study by A. F. Ismail and W. C. Nugroho (2024), entitled "*Indonesian Legislation Related to Consumer Protection against Cigarette Product Advertising*", examined legal provisions protecting the public from misleading cigarette promotion practices. The study emphasized that the implementation of Government Regulation No. 109 of 2012 remains suboptimal due to weak law enforcement and sponsor supervision. This research reinforces the importance of supervision within music concert licensing to prevent such events from being used as covert promotional media by the tobacco industry.¹⁵
4. A study by Dianita Sugiyo and Resti Yulianti Sutrisno entitled "*Community Participation in Protecting School Students from Tobacco Advertising, Promotion, and Sponsorship*" highlighted the role of communities and local governments in controlling tobacco advertising, promotion, and sponsorship in school environments. The study demonstrated that exposure to cigarette advertising significantly influences increased smoking behavior among students and emphasized the importance of smoke-free area policies.¹⁶
5. A study by Paryadi (2021), entitled "*Maqashid Shari'ah: Definitions and the Opinions of Scholars*", discussed the objectives of Islamic law in

¹⁵ Ismail dan Nugroho, "Peraturan Perundang-Undangan di Indonesia Terkait Perlindungan Konsumen Terhadap Iklan Produk Rokok."

¹⁶ Sugiyo dan Sutrisno, "Partisipasi Masyarakat Dalam Melindungi Pelajar Sekolah Dari Iklan, Promosi, Dan Sponsor Tembakau."

achieving public welfare. This study provides the conceptual foundation for the present research, as the principles of Maqashid Shari'ah are used as an ethical basis in evaluating tobacco product promotion control policies. By emphasizing the principles of *hifz al-nafs* (protection of life) and *hifz al-'aql* (protection of intellect), this study connects Islamic legal values with administrative licensing practices carried out by the Disnaker PMPTSP of Malang City.¹⁷

6. A study by Ridwan Jamal entitled "*Maqashid al-Shari'ah and Its Relevance in Contemporary Contexts*" discussed the application of public welfare values in the context of public policy. The relevance of this study to the present research lies in its effort to position Maqashid Shari'ah as a moral principle in the implementation of positive law, including the control of tobacco product promotion. This study supports the argument that concert licensing policies should not merely be administratively oriented, but should also consider the values of public welfare and harm prevention for society.¹⁸
7. The study "*Blocking Advertisements and Restricting Cigarette Purchases as Solutions for Reducing Smoking Prevalence in Indonesia*" by Sukmadi and Herawati (2023) analyzed the effectiveness of restricting cigarette promotion in reducing public tobacco consumption. Using a qualitative

¹⁷ Paryadi, "MAQASHID SYARIAH."

¹⁸ Jamal, "MAQASHID AL-SYARI'AH DAN RELEVANSINYA DALAM KONTEKS KEKINIAN."

descriptive method grounded in public policy theory, the study concluded that limiting cigarette advertisements and sponsorships could reduce smoking prevalence in several study areas.¹⁹

8. The study “*Exposure to Cigarette Advertising, Promotion, and Sponsorship in Indonesia*” by Tobacco Control Support Center – IAKMI (2018) examined the extent to which Indonesians, particularly young people, are exposed to various forms of tobacco product promotion and sponsorship. Using a cross-sectional survey method across 16 major cities in Indonesia, the study measured the relationship between cigarette advertising exposure and smoking status among adolescents. The findings indicated that television advertisements, billboards, and sponsorships at music and sports events significantly contributed to the increase in young smokers. The researchers recommended a total ban on cigarette advertising, promotion, and sponsorship to reduce the growth rate of beginner smokers in Indonesia.²⁰
9. The study “*Bringing ‘Light, Life and Happiness’: British American Tobacco and Music Sponsorship in Sub-Saharan Africa*” by Preeti Patel,

¹⁹ Alfonsus Dion Sukmadi dan Augustin Rina Herawati, “BLOKIR IKLAN DAN PEMBATAAN PEMBELIAN ROKOK SEBAGAI SOLUSI PENURUNAN PREVALENSI MEROKOK DI INDONESIA,” *SENTRI: Jurnal Riset Ilmiah*, no. 11 (2023): 4874–4886, <https://doi.org/10.55681/sentri.v2i11.1821>.

²⁰ Tobacco Control Support Center – IAKMI, “*Paparan Iklan, Promosi, dan Sponsor Rokok di Indonesia*,” Laporan Penelitian (Jakarta: TCSC–IAKMI, 2018), https://tsc-indonesia.org/wp-content/uploads/2018/09/Hasil-Studi-Paparan-Iklan-Promosi-dan-Sponsor-Rokok-di-Indonesia_TCSC-IAKMI.pdf

Cassandra Okechukwu, Jeff Collin, and Belinda Hughes (2009) reviewed the strategy of [British American Tobacco](#) in using music sponsorship as a medium for cigarette promotion in Nigeria and South Africa. This study was based on corporate document analysis revealing the systematic efforts of the tobacco industry to utilize music concerts in building positive brand images and bypassing tobacco control regulations. The study concluded that music sponsorship serves as an effective means of shaping social perceptions of cigarettes as lifestyle symbols, thereby necessitating stronger global policies in implementing the Framework Convention on Tobacco Control in Africa.²¹

10. The study “*Denormalising Tobacco at a Danish Music Festival*” by Maja K. Schjørring, Maria Stage, Andrea S. Glahn, Susan Andersen, Niels T. Kjær, Morten K. Grønbæk, and Astrid Knudsen (2021) examined how cigarette promotion practices and the presence of tobacco products at a music festival in Denmark could influence public perceptions of tobacco consumption. Through a qualitative research method based on field observations and social behavior analysis, the study evaluated the effectiveness of “denormalization” efforts aimed at removing the positive image of cigarettes from public spaces. The findings demonstrated that

²¹ Preeti Patel dkk., “Bringing ‘Light, Life and Happiness’: British American Tobacco and Music Sponsorship in Sub-Saharan Africa,” *Third World Quarterly* 30, no. 4 (Juni 2009): 685–700, <https://doi.org/10.1080/01436590902867110>.

limiting tobacco exposure within festival areas could reduce social acceptance of smoking behavior, particularly among adolescents, making this strategy effective as a public health intervention to suppress the normalization of smoking behavior within entertainment culture.²²

Tabel 2. 1 Previous Literature

No	Researcher	Title	Similarities	Differences
1	Hario Megatsari, Erni Astutik, Karin Gandeswari, Susy K. Sebayang, Siti R. Nadhiroh, dan Santi Martini (2023)	Tobacco Advertising, Promotion, Sponsorship and Youth Smoking Behavior: The Indonesian 2019 Global Youth Tobacco Survey (GYTS)	Both studies examine the impact of cigarette promotion and sponsorship on youth behavior in Indonesia and emphasize the importance of strengthening regulations to limit the tobacco industry's access to younger age groups.	However, the study conducted by Megatsari et al. focuses on a quantitative analysis of the relationship between TAPS and adolescent smoking behavior at the national level using GYTS 2019 data without discussing the aspect of concert licensing. In contrast, this research focuses on the implementation of concert licensing law by the Disnaker PMPTSP of Malang City through a normative-empirical approach and the perspective of Maqashid Shari'ah.
2	Dea Julian, Dwi Agung Putra, & Siti Aulia (2025)	Government Regulation Number 109 of 2012 Concerning the Safeguarding of Materials Containing	Both studies examine the implementation of Government Regulation No. 109 of 2012 and focus on controlling tobacco product promotion at the regional level.	However, the study by Julian et al. highlights the impact of cigarette promotion on children and adolescents, whereas this research focuses on promotion control within the context of concert licensing conducted by the

²² Schjørring dkk., "Denormalising Tobacco at a Danish Music Festival."

		Addictive Substances in the Form of Tobacco Products for Health among Child Smokers in Rejang Lebong Regency		Disnaker PMPTSP of Malang City.
3	A. F. Ismail & W. C. Nugroho (2024)	Indonesian Legislation Related to Consumer Protection against Cigarette Product Advertising	Both studies discuss the implementation of legal regulations in controlling tobacco product advertising and promotion.	However, the study by Ismail and Nugroho adopts a normative juridical approach and discusses consumer protection in general, whereas this research is empirical in nature and focuses on the implementation of supervision within the concert licensing process.
4	Dianita Sugiyo dkk.	Community Participation in Protecting School Students from Tobacco Advertising, Promotion, and Sponsorship	Both studies discuss the control of cigarette advertising, promotion, and sponsorship.	However, this previous study adopts an empirical public health approach, whereas this thesis uses a normative approach based on Maqashid al-Shari'ah.
5	Paryadi (2021)	Maqashid Shari'ah: Definitions and the Opinions of Scholars	Both studies use the concept of Maqashid Shari'ah as a moral foundation for preventing social harm.	However, Paryadi's study is conceptual and theoretical in nature, whereas this research applies the principles of Maqashid Shari'ah practically within music concert licensing policies.
6	Ridwan Jamal	Maqashid al-Shari'ah and Its Relevance in Contemporary Contexts	Both studies position Maqashid Shari'ah as a value framework within public policy.	However, Ridwan Jamal's research is philosophical and general in nature, whereas this study applies Maqashid Shari'ah values within the

				context of tobacco promotion control carried out by local government authorities.
7	Sukmadi & Herawati	Blocking Advertisements and Restricting Cigarette Purchases as Solutions for Reducing Smoking Prevalence in Indonesia	Both studies highlight restrictions on cigarette promotion and sponsorship as preventive measures against increasing cigarette consumption within society.	However, the study by Sukmadi and Herawati focuses on public policy and advertisement control, whereas this research focuses on legal supervision within the concert licensing process by examining restrictions under existing regulations and their protection from the perspective of Islamic law.
8	Tim Peneliti TCSC– IAKMI & The Union	Exposure to Cigarette Advertising, Promotion, and Sponsorship in Indonesia	Both studies discuss the impact of cigarette promotion and sponsorship on public behavior, particularly among adolescents, and highlight music events/concerts as one of the tobacco industry’s primary promotional media.	However, the TCSC–IAKMI study is a national quantitative study assessing public exposure to advertisements and sponsorships, whereas this research analyzes concert licensing law at the local level (Malang City) and the implementation of tobacco product promotion control regulations as a preventive legal framework.
9	Preeti Patel, Cassandra Okechukwu, Jeff Collin & Belinda Hughes	Bringing “Light, Life and Happiness”: British American Tobacco and Music Sponsorship in sub-Saharan Africa	Both studies examine music sponsorship strategies employed by cigarette companies and how such strategies are used to circumvent regulations and expand the youth market. This is relevant to the context of the present study, which also examines music sponsorship practices in Indonesia.	However, the study by Patel et al. is international-comparative in nature, analyzing the practices of British American Tobacco in Nigeria and South Africa through corporate document analysis methods, whereas this research is a local normative-empirical study integrating Islamic values.

10	Maja K. Schjørring, Maria Stage, Andrea S. Glahn, Susan Andersen, Niels T. Kjær, Morten K. Grønbæk, Astrid Knudsen	Denormalising tobacco at a Danish music festival	Both studies discuss the presence of cigarettes within music concerts, how cigarette promotion negatively affects society, and the urgency of restricting cigarette sponsorship practices in public spaces. Both also demonstrate that concerts are frequently utilized by the tobacco industry to normalize smoking behavior.	The difference is that this previous study focuses on public health in Denmark and denormalization strategies at music festivals without discussing legal licensing aspects or administrative supervision. It also does not discuss Law/Government Regulation No. 109 of 2012 or the principles of Maqashid Shari'ah, which constitute the primary focus of this thesis.
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B. Theoretical Framework

1. Theory of Legal Compliance

The theory of legal effectiveness was proposed by Soerjono Soekanto, who stated that law can be considered effective when the applicable legal norms are truly implemented and obeyed by society and are able to achieve the social objectives intended by lawmakers. According to Soekanto, there are five main factors that influence legal effectiveness, namely²³:

a. Legal Norms

The primary issue most frequently encountered within this legal factor is the conflict between legal certainty and justice. This occurs because justice is essentially an abstract concept, whereas legal certainty is a normatively determined procedure. Law plays a very

²³ Mohd Yusuf Dm dkk., "Faktor-Faktor Yang Mempengaruhi Penegakan Hukum Dalam Masyarakat," *Jurnal Ilmu Hukum, Humaniora Dan Politik*, no. 4 (2025): 2866–71, <https://doi.org/10.38035/jihhp.v5i4.4234>.

important role in society because it serves not only as a parameter for justice, order, peace, and social stability, but also as a guarantee of legal certainty within society. In its development, law has also been directed as a means of advancing public welfare.

b. Law Enforcement Official

The functioning of law is greatly influenced by the mentality or personality of law enforcement officials. Even if a law has been properly formulated, its implementation ultimately depends on law enforcers. As stated by J. E. Sahetapy, in the context of law enforcement and its implementation, enforcing justice without truth is merely a policy, while enforcing truth without honesty constitutes hypocrisy. Within the framework of law enforcement by every legal institution, justice and truth must be declared, felt, visible, and actualized. Law can only be enforced optimally when law enforcement officials are able to carry out enforcement to the fullest extent. However, in practice, law enforcement officials may face obstacles, particularly when there is disharmony among values, legal norms, and patterns of behavior.

c. Facilities and Infrastructure

Without the support of adequate facilities and infrastructure, efforts to enforce the law cannot function properly and smoothly. Facilities and infrastructure in law enforcement include educated and skilled human resources, proper organizational structures, adequate

equipment, sufficient financial resources, and other supporting elements. Since law enforcement is a process aimed at realizing the objectives of law into reality and ensuring compliance by society, it must also be supported by adequate facilities and infrastructure.

d. Society

The purpose of law enforcement itself exists because of society. Society also plays an important role in the enforcement of law. The more society perceives legal regulations as appropriate and aligned with social values, the better the implementation of law enforcement will be. The greater the public's legal awareness, the more effectively the law will function within society.

e. Legal Culture

Soerjono Soekanto emphasized that culture has a very significant function for both individuals and society, namely regulating how people should act, behave, and determine their attitudes when interacting with others. The better the culture of a society, the better the implementation of law within that society.

Essentially, these five factors play a crucial role in law enforcement efforts within society. These factors form an interconnected system that supports the realization of a law-abiding society. The greater the harmony among these five law enforcement factors, the more effective law enforcement will become within society.

If one of these factors does not function properly, the implementation of law tends to become ineffective. Legal effectiveness can also be understood as the ability of a legal rule to achieve its intended objectives, whether in terms of order, justice, or public welfare.²⁴

In the context of this research, the theory of legal effectiveness is used to analyze the extent to which the implementation of tobacco product promotion control within the concert licensing process at the Disnaker PMPTSP of Malang City has achieved its objective, namely preventing violations related to cigarette sponsorship. Through this theory, the researcher can evaluate whether Government Regulation No. 109 of 2012 has been optimally implemented by the authorities of Disnaker PMPTSP, whether the licensing system supports effective supervision, society and entertainment business actors respond to such policies. Thus, the theory of legal effectiveness helps explain the gap between *das sollen* (what should occur according to law) and *das sein* (what actually occurs in practice).

At the regional level, the tobacco control regulatory framework in Malang City is further strengthened by Malang City Regional Regulation (Peraturan Daerah) Number 2 of 2018 concerning Smoke-

²⁴ Fadila Hilma Mawaddah dan Abdul Haris, "Implementasi Layanan Peradilan Bagi Penyandang Disabilitas Perspektif Teori Efektivitas Hukum Soerjono Soekanto", SAKINA: JOURNAL OF FAMILY STUIDES no. 2 (2022). <http://urj.uin-malang.ac.id/index.php/jibl>

Free Areas (Kawasan Tanpa Rokok/KTR). This regional regulation constitutes a concrete implementation of regional authority as mandated by Article 115 of Law Number 36 of 2009 concerning Health, which requires regional governments to designate smoke-free areas within their territories. This KTR Regional Regulation of Malang City is directly relevant to this research because it applies throughout the territory of Malang City where all concert activities that constitute the object of this research took place. Consequently, all concert organizers operating within Malang City are legally bound by its provisions.

This approach is also aligned with the values of Maqashid Shari'ah because legal effectiveness is not measured solely by formal compliance, but also by the extent to which the law is able to realize public welfare (*maslahah*) and prevent harm (*mafsadah*) within society. When regulations concerning tobacco promotion are effectively implemented, the law functions to protect intellect (*hifz al-'aql*), life (*hifz al-nafs*), and younger generations from the dangers of addictive behavior and cigarette dependency.

2. The Principle of Legal Certainty

The principle of legal certainty in criminal law is inseparable from the principle of legality (*legaliteitsbeginsel*), which constitutes one of the most fundamental principles in both positive criminal law and the criminal law of Islam. Historically, the principle of legality was formulated

by Paul Johan Anselm von Feuerbach (1775–1833), a German criminal law scholar, in his work *Lehrbuch des penlichen recht* in the year 1801. Feuerbach encapsulated the essence of this principle in three Latin maxims: *nulla poena sine lege* (no punishment without law); *nulla poena sine crimine* (no punishment without a criminal act); and *nullum crimen sine poena legali* (no criminal act without legal punishment). These three maxims collectively require that criminal prohibition and their corresponding sanctions must be clearly formulated in written legislation before any act is performed, so that citizens are able to know in advance which acts are prohibited and what consequences follow from their commission.²⁵

In terms of its definition, there is broad agreement among criminal law scholars that the principle of legality means: no act shall be punishable except on the basis of the force of criminal provisions in legislation that existed prior to the commission of the act. This definition, as contained in Article 1 paragraph (1) of the Indonesian Criminal Code (KUHP), constitutes the standard formulation of the principle of legality. Moeljatno identifies three core meanings within this principle: first, no act that is prohibited and threatened with punishment may be established unless it has first been declared so in a statutory rule; second, the use of analogy in

²⁵ Ach. Tahir, "Menggali Makna Asas Legalitas dan Perkembangannya di Indonesia," *Al-Mazhar* Vol. 1, No. 2 (Desember 2012): 271.

determining criminal acts is prohibited; and third, criminal law rules do not apply retroactively. Groenhuijsen further adds that the principle of legality serves a dual function: as a constraint upon the legislature, which must formulate criminal provisions with clarity and precision, and as a guide for judges, who are prohibited from declaring a defendant guilty on the basis of unwritten law or custom.²⁶

In the context of Indonesian law, the application of the principle of legality does not operate absolutely. The Draft Criminal Code (RUU KUHP) of Indonesia, as reflected in Article 1 paragraphs (3) and (4), acknowledges the principle of material legality by recognizing that living law within the community may serve as a basis for criminal conviction even where no written statutory provision covers the relevant act. This reflects Indonesia's position as a prismatic legal state that combines the continental European *rechtsstaat* tradition with the Anglo-Saxon rule of law tradition, accommodating both written legal certainty and the living values of the community. For the purpose of law enforcement, this means that the factor of 'legal norms' in Soerjono Soekanto's theory of legal effectiveness must not be interpreted in an exclusively positivistic manner, but must remain open to substantive values of justice that live within society, provided that

²⁶ Ach Tahir, *MENGKALI MAKNA ASAS LEGALITAS DAN PERKEMBANGANNYA DI INDONESIA*, t.t.

such values do not conflict with the principles of Pancasila and universally recognized human rights norms.²⁷

In Islamic criminal law, the principle of legality is not explicitly stated in the manner of positive criminal codes, yet its substance is firmly embedded in the foundational texts of the Qur'an and classical Islamic legal maxims. Several Qur'anic verses explicitly establish that no human being may be held accountable or subjected to punishment before a clear divine communication has been sent through prophetic messengers as reflected in Surah Al-Isra' verse 15: "We would never punish [a people] until We had sent a messenger." From this foundation, classical jurists derived two core maxims: *la hukmun li af'alal-'uqala' qabla wurud al-nass* (there is no legal ruling for the acts of a rational person before the arrival of revealed text) and *la jarimata wa la 'uqubata illa bial-nass* (there is no crime and no punishment except by virtue of revealed text). These maxims demonstrate that the Islamic legal principle predating the French Revolution by centuries already contained the very substance of what the Western legal tradition would later formalize as the principle of legality, grounding criminal accountability in prior, clear, and knowable prohibition.²⁸

²⁷ Tahir.

²⁸ Kornelius Benuf dan Muhamad Azhar, "Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer," *Gema Keadilan* 7, no. 1 (April 2020): 20–33, <https://doi.org/10.14710/gk.2020.7504>.

The relevance of the principle of legality and legal certainty to this research lies not in the question of criminal codification per se, but in the administrative law dimension it generates: when supervisory responsibility over tobacco sponsorship violations in music concert organization is not clearly and formally assigned to a specific institution, the principle of legality in its administrative dimension is violated. Citizens both concert organizers and the general public are unable to predict which authority will act upon a violation, and enforcement agencies are unable to determine whether they possess the normative legitimacy to intervene. This condition is precisely what Feuerbach's *psychologische Zwang* theory warns against: the preventive deterrent function of law collapses when the law's enforcement arm is structurally invisible. In the context of this research, legal certainty therefore requires that the Mayor of Malang formally designate, pursuant to Articles 60 and 61 of Government Regulation Number 109 of 2012, a specific official responsible for supervising tobacco sponsorship in concert organization — so that both the regulated parties and the enforcement agencies know with certainty what is prohibited, who enforces it, and what sanctions apply.

3. *Maqashid Shari'ah*

Etymologically, *Maqashid Shari'ah* is derived from two words: *maqashid*, which means objectives, intentions, or purposes, and *shari'ah*, which means the path leading to the source of life. Thus, *Maqashid Shari'ah*

refers to the primary objectives of Islamic law established to preserve public welfare and prevent harm for humanity. In the classical perspective, as explained by Al-Ghazali, public welfare (*maslahah*) constitutes the essence of Islamic law, encompassing the five essential protections of human life (*al-dharuriyat al-khams*), namely: the protection of religion (*hifz al-din*), the protection of life (*hifz al-nafs*), the protection of intellect (*hifz al-'aql*), the protection of lineage (*hifz al-nasl*), and the protection of property (*hifz al-mal*). These five elements serve as the foundation for every public policy because Islamic law fundamentally regulates not only the relationship between humans and God, but also how to create a just and beneficial social order.²⁹

Substantively, classical scholars of ushul fiqh have articulated the objectives of Maqashid Shari'ah into three principal orientations. The first is the objective of realizing benefit (*jalb al-mashalih*): generating genuine benefit for human life in both this world and the hereafter, encompassing physical, intellectual, spiritual, and social dimensions simultaneously.³⁰ The second is the objective of preventing harm (*dar' al-mafasid*): protecting humanity from all forms of damage and danger, including harm that is gradual and systemic in nature, such as the health consequences of exposure to tobacco products from an early age. The third

²⁹ Paryadi, "MAQASHID SYARIAH."

³⁰ Paryadi.

is the objective of establishing justice (*'adalah*) in human relationships: in the context of public policy, regulations must take the side of public protection and must not tolerate practices that demonstrably harm the public interest for the benefit of industry.³¹ Al-Shatibi in *Al-Muwafaqat* asserted that these three objectives constitute a unified whole that must be realized simultaneously by every legal policy — because realizing benefit without preventing harm is incomplete work.³²

In its development, scholars of *ushul fiqh* have classified *Maqashid Shari'ah* into three hierarchical levels based on their degree of urgency in humanlife. The first level is *dharuriyyat* (primary necessities): matters whose absence would fundamentally threaten the continuity of human life across five dimensions religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage (*hifz al-nasl*), and property (*hifz al-mal*). Scholars are unanimous that *dharuriyyat* constitutes an absolute priority that cannot be compromised by any competing interest. The second level is *hajiyyat* (secondary necessities): complementary needs whose absence does not directly threaten human existence but would produce significant difficulty in daily life. The third level is *tahsiniyyat* (tertiary necessities): matters related to the refinement of ethics and social decorum whose absence does

³¹ Jamal, “MAQASHID AL-SYARI’AH DAN RELEVANSINYA DALAM KONTEKS KEKINIAN.”

³² Ibrhm ibn Msá Shib, *Al-Muwafaqat fi usul al-shari'ah*, with Robarts - University of Toronto (Misr Matba'at al maktabah al-tujariyah, 1920), <http://archive.org/details/almuwafaqatfiusu01shibuoft>.

not endanger life but would diminish the quality of dignified human existence.³³ These three levels function hierarchically and cannot be inverted: *dharuriyyat* always takes precedence, followed by *hajiyyat*, and then *tahsiniyyat*. In the context of this research, the protection of life (*hifz al-nafs*) and intellect (*hifz al-'aql*) from the negative impacts of tobacco product promotion fall within the category of *dharuriyyat*, because they concern the physical safety and cognitive integrity of human beings matters that cannot be overridden by economic or entertainment considerations. This means that controlling tobacco promotion within music concert organization is not merely a routine administrative policy but a state obligation occupying the highest level of priority in the Islamic perspective, the neglect of which directly contradicts the duty of protection at the level of *dharuriyyat*.³⁴ Jasser Auda further emphasizes that the protection of life and intellect cannot be interpreted solely at the individual level but must encompass social and institutional dimensions, meaning the state bears an active structural obligation to prevent *mafsadah* within society.³⁵

Furthermore, *maqashid shari'ah* is not static in nature but possesses dynamic relevance in addressing contemporary problems. This principle enables policymakers to utilize the public protection values of Islamic law

³³ Paryadi, "MAQASHID SYARIAH."

³⁴ Jamal, "MAQASHID AL-SYARI'AH DAN RELEVANSINYA DALAM KONTEKS KEKINIAN."

³⁵ Ġāsir 'Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*, ed. oleh Ġāsir 'Auda (London: The International Inst. of Islamic Thought, 2008).

as a moral foundation in shaping modern regulations, including those related to the protection of public health from the threat of harmful products such as tobacco.³⁶

In the specific context of protecting *hifz al-nafs* and *hifz al-‘aql*, Al-Shatibi in *Al-Muwafaqat* firmly asserts that shari’ah was established solely for the benefit of humanity, both in this world and in the hereafter. This statement establishes that every state policy, including the control of harmful product promotions, must be genuinely oriented toward protecting citizens rather than merely fulfilling formal administrative obligations.³⁷ In alignment with this, Jasser Auda (2008) in *Maqasid Al-Shariah as Philosophy of Islamic Law* develops a systemic understanding of maqashid, wherein the protection of life and intellect cannot be interpreted solely at the individual level but must also encompass social and institutional dimensions. This means that the state, as a collective institution, bears an active obligation to construct a system structurally capable of preventing the occurrence of harm (*mafsadah*) within society.³⁸

Furthermore, this research views tobacco promotion control as a concrete manifestation of the application of *Maqashid al-Shari’ah* within modern public policy. When the Disnaker PMPTSP rejects or restricts

³⁶ Jamal, “MAQASHID AL-SYARI’AH DAN RELEVANSINYA DALAM KONTEKS KEKINIAN.”

³⁷ Ibrhm ibn Msá Shib, *Al-Muwafaqat fi usul al-shari’ah*, with Robarts - University of Toronto (Misr: Matba’at al-maktabah al-tujariyah, 1920), <http://archive.org/details/almuwafaqatfiusu01shibuoft>.

³⁸ ‘Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*.

cigarette sponsorship in concert activities, such actions represent the manifestation of the principle of *sadd al-dzari'ah* (blocking the means leading to harm). Therefore, the implementation of positive law such as Government Regulation No. 109 of 2012 is understood not merely within a formal-legal framework, but also as the application of Islamic values emphasizing the protection of public health, intellect, and morality. Accordingly, the theory of *Maqashid Shari'ah* in this research functions as a bridge between positive law and Islamic law, demonstrating that both share the same orientation: protecting society from harm and creating public welfare in the organization of public activities such as music concerts.

CHAPTER III

RESEARCH METHODOLOGY

A. Type of Research

This research employs an empirical juridical research method. Empirical juridical research is a legal research method that utilizes empirical facts derived from human behavior, both verbal behavior obtained through interviews and actual behavior observed directly in the field. Empirical research is also used to observe the results of human behavior in the form of records or archives. Empirical legal research is based on evidence obtained from observation or experience and is analyzed both qualitatively and quantitatively.³⁹

The use of the empirical juridical method in this research is based on the consideration that the issues being examined are not solely related to the normative text of legal regulations, but also concern how those regulations are actually implemented in real life by government institutions and business actors. Through this approach, the researcher not only examines what ought to be done according to the law (*das sollen*), but also observes and analyzes what actually occurs in practice (*das sein*). This method enables the researcher to identify the gap between the applicable legal norms and the actual practices of music concert licensing in Malang City.

³⁹ Benur dan Azhar, "Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer."

This research examines how the implementation of tobacco product promotion control in concert licensing serves to prevent legal violations of cigarette sponsorship from the perspective of Maqashid Shari'ah.

B. Research Approach

This research uses two approaches simultaneously, which complement each other:

1. Sociological Approach

The sociological legal approach is a method that places law within a social framework by examining how law is applied, obeyed, and responded to by society in everyday practice. According to M. H. Tirtaamidjata, law consists of all rules (norms) that must be obeyed in behavior and actions within social interactions, with sanctions requiring compensation for violations that may endanger oneself or one's property, such as loss of freedom, fines, and other penalties.⁴⁰ Thus, this approach is used to analyze the relationship between legal norms regulating restrictions on cigarette sponsorship at music concert events and the social realities occurring in Malang City.

The relevance of the sociological legal approach to this research lies in its ability to explain why cigarette sponsorship violations still frequently occur at concert events despite the existence of Government

⁴⁰ Hudzaifah Qotadah, *Hukum dan Masyarakat* (2022), <https://doi.org/10.13140/RG.2.2.24289.38244>.

Regulation Number 109 of 2012 concerning restrictions on cigarette sponsorship. Weak government supervision and the lack of awareness among event organizers are contributing factors to the occurrence of cigarette sponsorship violations at concert events.

2. Legal Approach

The legal or normative approach is a research method focusing on legislation, legal principles, and applicable legal norms. According to Soerjono Soekanto and Sri Mamudji, normative legal research is legal research conducted through the examination of library materials (in addition to sociological or empirical legal research, which primarily examines primary data). This approach is used to examine the extent to which regulations concerning restrictions on cigarette sponsorship at music concert events have been clearly regulated within the Indonesian legal system.⁴¹

In the context of this research, the legal approach is relevant because the distribution of free cigarettes at concert events and the use of product logos and/or brands clearly violate Article 35 paragraph (2) of Government Regulation Number 109 of 2012 concerning the Safeguarding

⁴¹ Suyanto, "Metode Penelitian Hukum: Pengantar Penelitian Normatif, empiris dan Gabungan", (Gresik: Unigress Press, 2022) <https://share.google/g71pqCuAKWMpUF8z>

of Materials Containing Addictive Substances in the Form of Tobacco Products for Health.

C. Research Location

This research will be conducted at the Department of Manpower, Investment, and One-Stop Integrated Services (Disnaker PMPTSP), located at Jl. Merdeka Timur No. 4, Kidul Dalem Subdistrict, Klojen District, Malang, 65119 (Alun-Alun Mall/Ramayana, 3rd Floor).

The selection of the Department of Manpower, Investment, and One-Stop Integrated Services (Disnaker PMPTSP) of Malang as the research location is based on two considerations:

1. Juridically, Disnaker PMPTSP is the institution authorized to issue Entertainment Event Permits (Izin Penyelenggaraan Tontonan / IPT) based on Article 3 of Malang Mayor Regulation Number 3 of 2020 and Article 4 paragraph (2) of Malang Mayor Regulation Number 37 of 2021. The IPT constitutes one of the main requirements in the licensing process for organizing music concerts, making this institution the first gateway potentially functioning as an instrument for controlling tobacco product promotion.
2. Malang is one of the cities with a relatively high level of music concert activity in East Java, making the cases occurring in this city representative of broader issues.

D. Data Sources

Data sources in this research function to provide answers to the formulated research questions by proving facts or information related to the study. In empirical research, the obtained data are used as the basis for conducting the research, with interviews serving as the primary source of data. The data sources in this research consist of two categories: primary data sources and secondary data sources.

1. Primary Data Sources

Data sources in research function to answer the research questions by proving facts or information related to the study. In empirical research, the obtained data are used as the basis for conducting the research, with interviews serving as the primary source of data.

In this research, primary data were obtained through interviews with several informants:

- a. Mr. Bambang Nurmawan, Head of the Licensing and Non-Licensing Services Division for Expansion, Social, and Cultural Affairs at the Disnaker PMPTSP of Malang, interviewed on February 26, 2026. This informant provided authoritative information regarding the mechanism for issuing IPT permits, concert licensing requirements, and the limitations of the institution's authority in supervising sponsorship activities.

- b. Fajar Taufiqurrohman, founder of Konser Malang Raya, interviewed on January 30, 2026. This informant provided perspectives from the concert organizer's side, including detailed information regarding practices occurring at the Festival 76 concert.
- c. A volunteer identified by the initials SF, who was directly involved in the implementation of the Festival 76 Concert and provided empirical testimony regarding the distribution of cigarette products to audience members.

2. Secondary Data Sources

Secondary data sources in this research were obtained from legislation, research reports, journal articles, and books relevant to the research topic. In this regard, the legislation used is Government Regulation Number 109 of 2012.

E. Data Collection Methods

1. Interviews

In-depth interviews were conducted directly with the informants mentioned above. The interviews were carried out using previously prepared interview guidelines but remained semi-structured, allowing further exploration of issues that emerged spontaneously during

conversations. All interview sessions were recorded with the consent of the informants and subsequently transcribed for analytical purposes.

2. Documentation

Documentation was carried out by collecting, studying, and analyzing relevant documents, including IPT licensing forms, copies of legislation, photographic evidence of violations circulating on social media, as well as articles and news related to the Festival 76 Concert.

F. Data Processing Methods

This research was conducted using a qualitative approach emphasizing comprehensive analysis of the collected data. In qualitative research, data are obtained through interviews, observations, or documentation and are described in written form. Data analysis in qualitative research begins with data collection, after which the data are organized in such a way that relevant information can be identified. Structured data still constitute raw data that must be simplified and focused by removing irrelevant or less important details. Raw data are simplified and structured using various data collection techniques. Structured data guide researchers toward thematic or conceptual categories serving as the focus of the research problem. This constitutes the organizational element of data collection. Raw data, which may initially appear complex or unstructured, undergo simplification while maintaining the focus of the

research. Simplification affects the complexity of analysis expected in subsequent research stages.⁴²

The presentation of qualitative analysis is conveyed in narrative form involving abstraction of the core elements of the research to reduce the complexity of data obtained from the field. Data representation is carried out in such a way that relevant aspects of the collected data can be identified. To ensure accurate presentation of the obtained data, the collected data will be compared with other forms of data and communication methods. Various approaches may be used to present the collected data, including graphs, charts, tables, and others. In addition, several projections will also be developed.

⁴² Ahmad Ahmad dan Muslimah Muslimah, "Memahami Teknik Pengolahan Dan Analisis Data Kualitatif," *Proceedings of International Conference on Interdisciplinary Research* no. 1 (2021), <https://e-proceedings.iain-palangkaraya.ac.id/index.php/PICIS/article/view/605>.

CHAPTER IV

RESULTS AND DISCUSSION

A. General Overview of the Research Location

1. Profile of the Department of Manpower, Investment, and One-Stop Integrated Service of Malang City

The Department of Manpower, Investment, and One-Stop Integrated Services (Disnaker PMPTSP) of Malang is a regional government institution responsible for administering governmental affairs in the fields of manpower, investment, as well as integrated one-stop licensing and non-licensing services in accordance with the authority delegated by the regional head.⁴³

The existence and institutional structure of the Disnaker PMPTSP of Malang are based on Regional Regulation of Malang City Number 7 of 2016 concerning the Establishment and Organizational Structure of Regional Apparatuses, as amended by Regional Regulation of Malang City Number 5 of 2019.⁴⁴ Through these regulations, the Disnaker PMPTSP carries out public service functions and investment

⁴³Pasal 1 ayat 1 Peraturan Daerah Kota Malang Nomor 7 Tahun 2016 tentang Pembentukan dan Susunan Perangkat Daerah, sebagaimana telah diubah dengan Peraturan Daerah Kota Malang Nomor 5 Tahun 2019.

⁴⁴ Peraturan Daerah Kota Malang Nomor 7 Tahun 2016 tentang Pembentukan dan Susunan Perangkat Daerah sebagaimana diubah dengan Peraturan Daerah Kota Malang Nomor 5 Tahun 2019.

facilitation in an integrated manner to realize effective, transparent, and accountable public services in Malang City.

The position, organizational structure, duties and functions, as well as the working procedures of the Disnaker PMPTSP of Malang are currently guided by Mayor Regulation of Malang Number 34 of 2023 concerning Amendments to Mayor Regulation of Malang Number 37 of 2021.⁴⁵ Based on this regulation, the agency consists of several main divisions, including the manpower division, investment division, and integrated licensing service division, one of whose authorities is issuing Entertainment Event Permits (Izin Penyelenggaraan Tontonan / IPT) as part of the licensing process for public entertainment activities in Malang City.

The vision of the Disnaker PMPTSP of Malang is “The Realization of Excellent and Investment-Friendly Services,” with the mission of “Improving the Quality of Fair, Measurable, High-Quality, and Accountable Services.” This vision and mission reflect the institution’s commitment to providing licensing services that are not only fast and accessible but also legally accountable in every implemented process.

⁴⁵Peraturan Walikota Malang Nomor 34 Tahun 2023 tentang Perubahan atas Peraturan Walikota Malang Nomor 37 Tahun 2021 tentang Kedudukan, Susunan Organisasi, Tugas dan Fungsi serta Tata Kerja Disnaker PMPTSP Kota Malang.

In the context of this research, the Disnaker PMPTSP of Malang serves both as the research subject and as the object of policy implementation analysis because it possesses the authority to issue Entertainment Event Permits (IPT) for music concerts. The selection of this institution as the research locus is based on Article 3 of Malang Mayor Regulation Number 3 of 2020 and Article 4 paragraph (2) of Malang Mayor Regulation Number 37 of 2021, which grant licensing authority for activities to the Disnaker PMPTSP.⁴⁶

Based on data obtained from interviews, throughout 2024 the Disnaker PMPTSP of Malang issued a total of 526 IPT permits for various activities, including music concerts. Meanwhile, in 2025, the number recorded was 462 IPT permits. These figures illustrate the high volume of public entertainment activities processed by the institution and simultaneously indicate the significant potential risk of cigarette sponsorship law violations that may occur if supervision mechanisms are not optimally implemented.⁴⁷

⁴⁶Peraturan Wali Kota Malang Nomor 37 Tahun 2021 tentang Kedudukan, Susunan Organisasi, Tugas dan Fungsi serta Tata Kerja Dinas Tenaga Kerja, Penanaman Modal dan Pelayanan Terpadu Satu Pintu Kota Malang.

⁴⁷Bambang Nurmawan, wawancara, (Malang, 26 Februari 2026)

2. Profile of Konser Malang Raya and the Festival 76 Concert Phenomenon

Konser Malang Raya is both a community and a concert organizing entity operating in the Greater Malang area, Surabaya, Pasuruan, and surrounding regions. This community was founded by Fajar Taufiqurrohman around 2021–2022 and has since developed into a human resources partner utilized by various concert organizers from outside Malang City who require local manpower in event implementation.⁴⁸

The business model operated by Konser Malang Raya is flexible, as it may function as a media partner, human resources partner, or independent organizer depending on the needs of each event. In recruiting volunteers or field staff, the community prioritizes active university students because they possess greater time flexibility compared to formal workers.

One of the activities specifically serving as the focus of this research is the Festival 76 Concert held in October 2024 at Rampal Field in Malang. This concert was not merely an ordinary entertainment concert where audiences attended to enjoy performances by certain artists.

⁴⁸Fajar Taufiqurrohman, wawancara, (Malang, 30 Januari 2026)

Instead, it was explicitly organized by the producer of the cigarette brand 76 as a means of launching and introducing a new product to the public.⁴⁹

Fajar Taufiqurrohman, as the Founder of Konser Malang Raya who at the time acted as the human resources provider for the concert, clearly explained the practices occurring in the field:

"It was certain that the intention behind Article 76 was for the product to be introduced to the public and made known to the community through concerts that were entirely organized and dedicated to the company's own events. As a result, no other products were allowed to be featured. This opportunity was intended to be used for the introduction and promotion of their product."

Furthermore, Fajar also explained the technical mechanism of distributing cigarette products to audience members, which constituted the core legal violation occurring at the event:⁵⁰

"A ticket fee of only IDR 20,000 was charged, and a pack of cigarettes was provided in return. This method was used as a means of introducing and promoting their product. Although the concert had originally been offered free of charge, the approach was changed so that an admission fee of IDR 20,000 was required. In exchange for the ticket purchase, a newly launched product, namely 76 cigarettes, was provided to attendees."

This statement clearly illustrates how the cigarette industry used a sophisticated legal construction to circumvent the prohibition against

⁴⁹Fajar Taufiqurrohman, wawancara, (Malang, 30 Januari 2026)

⁵⁰Fajar Taufiqurrohman, wawancara, (Malang, 30 Januari 2026)

distributing free cigarettes as regulated under Article 35 letter (a) of Government Regulation Number 109 of 2012. By transforming the mechanism from “free distribution” into a “ticket purchase reward,” the cigarette company formally claimed that there was no free distribution of cigarettes. However, substantively, the objective remained the same: introducing and distributing new cigarette products to the broader public through the medium of music concerts.

The impact of this marketing strategy was also openly acknowledged by Fajar Taufiqurrohman:

” Evidence of this can be seen in the fact that, after the product was launched, it became widely recognized and remembered by the public.”

This statement confirms that the marketing strategy through concerts successfully achieved its objective, namely increasing brand awareness among target consumers. The Festival 76 Concert phenomenon thus constitutes a highly relevant empirical case for analyzing supervisory loopholes within the music concert licensing system in Malang.

B. Tobacco Product Promotion Control in the Music Concert Organization

Process at the Disnaker PMPTSP of Malang City

1. Regulatory Framework and Overlapping Authorities in Music Concert Licensing

The control of tobacco product promotion in music concert activities is essentially related to government efforts to limit various forms of cigarette advertising, promotion, and sponsorship that may influence public behavior, particularly among younger generations. Provisions regarding these restrictions have been regulated under Government Regulation Number 109 of 2012 concerning the Safeguarding of Materials Containing Addictive Substances in the Form of Tobacco Products for Health, which, among other things, regulates the prohibition of free cigarette distribution, the prohibition of directly using tobacco product logos/brands in public activities, and the prohibition of promotions that may reach minors.⁵¹

This regulatory framework is further strengthened by Government Regulation Number 28 of 2024 concerning the Implementing Regulation of Law Number 17 of 2023 on Health, which explicitly prohibits tobacco products from becoming sponsors of activities covered

⁵¹Pasal 35 ayat 2 huruf a dan b PP No. 109 Tahun 2012, tentang Pengamanan Bahan yang Mengandung Zat Adiktif berupa Produk Tembakau bagi Kesehatan..

by the media, without significant exceptions. The substantive difference between these two regulations is important to understand: Government Regulation Number 109 of 2012 regulates restrictions subject to certain conditions, whereas Government Regulation Number 28 of 2024 is more prohibitive in nature. The existence of these two layers of regulation should provide a stronger legal basis for law enforcement authorities to take action against cigarette sponsorship violations in music concerts.

This regulatory framework is further reinforced at the regional level by Malang City Regional Regulation Number 2 of 2018 concerning Smoke-Free Areas. Based on the provisions of this regional regulation, smoke-free areas encompass public places, public facilities, and areas used for public purposes, which substantively includes spaces commonly used as music concert venues in Malang City including fields and convention halls classified as public facilities, such as Rampal Field, which was used for the Festival 76 Concert. This regional regulation explicitly prohibits all forms of advertising, promotion, and activities aimed at introducing or publicizing tobacco products within designated smoke-free areas. Accordingly, if a concert venue falls within the scope of the KTR coverage, then the practice of distributing free cigarettes and displaying cigarette logos as occurred at the Festival 76 Concert would not only violate Government Regulation No. 109 of 2012 at the national level but would also constitute a clear violation of the Malang City KTR Regional

Regulation at the local level. This regional regulation also grants the Civil Service Police Unit (Satuan Polisi Pamong Praja/Satpol PP) authority to conduct supervision and enforcement, and provides instruments of administrative sanctions that can be applied without waiting for a criminal process to be completed. Therefore, Regional Regulation No. 2 of 2018 should serve as an additional legal basis that reinforces the position of Satpol PP as the most appropriate and most authorized institution to conduct active field supervision over cigarette sponsorship violations in the organization of music concerts in Malang City.

Furthermore, to understand why cigarette sponsorship violations may occur without meaningful enforcement, it is important first to map all institutions involved in the music concert licensing system in Malang along with the limits of their respective authorities. One of the most significant findings of this research is that supervision over the organization of music concerts in Malang is not the authority of a single institution. Instead, several government agencies possess separate and limited authorities, resulting in the absence of any institution that bears full responsibility for sponsorship supervision from the pre-licensing stage through post-event implementation.

Table 4. 1 Map of Institutions Involved in the Music Concert Licensing Process in Malang City

No	Institution	Role in Concert Licensing	Basis of Authority	Important Notes
1	Disnaker PMPTSP of Malang	Issues the Entertainment Event Permit (<i>Izin Penyelenggaraan Tontonan</i> / IPT) as an administrative requirement for applying for a public event permit from the police.	Article 3 of Malang Mayor Regulation No. 3/2020; Article 4 paragraph (2) of Malang Mayor Regulation No. 37/2021	Does not possess field supervision authority. There is no sponsorship content verification mechanism within the IPT issuance process.
2	Police (Sector Police/City Resort Police/East Java Regional Police)	Issue public event permits based on the IPT issued by Disnaker PMPTSP and other supporting documents.	Article 13 of Law No. 2/2002 concerning the Indonesian National Police; Chief of Police Regulation No. 9/2012 concerning Public Event Permits	Tiered authority: fewer than 500 attendees (Sector Police), fewer than 2,000 attendees (Malang City Resort Police), more than 2,000 attendees (East Java Regional Police). There is no sponsor verification clause in the permit forms.
3	Civil Service Police Unit (<i>Satuan Polisi Pamong Praja</i> / Satpol PP)	Enforcement of regional regulations and maintenance of public order, including smoke-free areas and violations related to tobacco product promotion.	Article 6 paragraph (1) of Government Regulation No. 6/2010 concerning Satpol PP; Local Smoke-Free Area Regulations	In practice, often waits for initiatives from the technical licensing agency before taking action. Does not conduct routine patrols at concert venues.

No	Institution	Role in Concert Licensing	Basis of Authority	Important Notes
4	Health Office of Malang	Supervises the substantive implementation of Government Regulation No. 109/2012 and Government Regulation No. 28/2024 at the regional level.	Article 115 of Law No. 36/2009 concerning Health; Government Regulation No. 109/2012	Not directly involved in the concert licensing process. Formal coordination with Disnaker PMPTSP has not yet been established.
5	Transportation Office of Malang	Provides recommendations when concert activities use public roads or potentially disrupt traffic.	Law No. 22/2009 concerning Road Traffic and Transportation	Involved only conditionally when the concert venue utilizes road areas.
6	Environmental Office of Malang	Provides recommendations when concert activities use city parks or green areas.	Law No. 32/2009 concerning Environmental Protection and Management	Involved only conditionally when the concert venue is located within green areas.

The table above illustrates the overlapping authorities within the music concert licensing system in Malang. The absence of a specific institution assigned to verify or supervise tobacco product sponsorship creates a situation in which each agency perceives the issue as the responsibility of another institution. As a result, no institution ultimately takes full responsibility for handling the matter.

2. Licensing Mechanism and the Supervisory of the Disnaker PMPTSP

The music concert licensing mechanism in Malang begins with the submission of an Entertainment Event Permit (Izin Penyelenggaraan Tontonan / IPT) application to the Disnaker PMPTSP. Based on the statement of Bambang Nurmawan, the position of the IPT within the concert licensing system is explicitly described as merely an administrative requirement rather than the primary permit for event organization:⁵²

” In fact, a public event permit is issued to the event organizer. A permit for public performances is considered part of the public event permit. Subsequently, the permit is forwarded to the police authorities.”

According to Fajar Taufiqurrohman as a participant in the concert industry, the public event permit mechanism is tiered according to audience capacity. Events with capacities of up to 500 people only require permits from the Sector Police (*Polsek*), events with capacities below 2,000 people require permits from the Malang City Resort Police (*Polresta Malang*), and events with capacities exceeding 2,000–3,000 people must obtain permits from the East Java Regional Police (*Polda Jawa Timur*).⁵³

The administrative requirements that organizers must fulfill during the IPT issuance process at the Disnaker PMPTSP include completing the application form, submitting an event proposal, a

⁵² Bambang Nurmawan, wawancara, (Malang, 26 Februari 2026)

⁵³ Fajar Taufiqurrohman, wawancara, (Malang, 30 Januari 2026)

photocopy of the responsible party's identity card, a permission letter from the venue owner, proof of entertainment tax payment deposits if the concert is ticketed, as well as recommendations from the Transportation Office if public roads are used and recommendations from the Environmental Office if city park areas are utilized. The informant stated that under normal conditions, the IPT issuance process requires approximately fourteen days; however, if all requirements are complete, the process can be completed within a single day.⁵⁴

The primary concern in this research is the absence of clauses requiring organizers to disclose the identity and type of sponsor products involved. There is no requirement for a declaration of compliance with Government Regulation No. 109 of 2012 concerning sponsorship practices. The absence of these clauses indirectly creates opportunities for organizers to collaborate with cigarette sponsors without disclosing such sponsorship during the licensing process.

The limitations of the Disnaker PMPTSP's supervisory mechanism regarding sponsorship were also confirmed through the following statement from the informant. Concerning sponsorship matters, the representative of the Disnaker PMPTSP emphasized that the institution does not possess a specific mechanism to regulate or verify sponsorship

⁵⁴ Fajar Taufiqurrohman, wawancara, (Malang, 30 januari 2026)

agreements established by concert organizers. The institution's authority only extends to physical advertising materials such as billboards or banners. The informant stated:⁵⁵

"Advertising materials may be submitted by the sponsor, provided that the cigarette product itself is not displayed and only the brand name is shown."

The absence of substantive supervisory mechanisms became even more apparent when the researcher directly questioned the institution's responsibility in cases of cigarette sponsorship violations occurring at concerts that had already received IPT approval from the Disnaker PMPTSP. The informant responded by explicitly shifting enforcement authority to other institutions:⁵⁶

"No records are maintained by our office; however, they may be held by the Municipal Police (Satpol PP). If criminal elements are involved, the case may be handled by the Police."

This response carries highly significant legal implications. First, the Disnaker PMPTSP explicitly acknowledges that it does not possess field supervision functions over activities that have already received IPT approval. Second, authority for enforcing violations occurring in the field is legally delegated to the Civil Service Police Unit (*Satpol PP*) and the police. This condition reflects a service orientation centered solely on

⁵⁵ Bambang Nurmawan, wawancara, (Malang, 26 Februari 2026)

⁵⁶ Bambang Nurmawan, wawancara, (Malang, 26 Februari 2026)

administrative efficiency without accountability regarding the substantive control of tobacco promotion.

In addition to the Disnaker PMPTSP and Satpol PP, police involvement in the organization of music concerts also forms an inseparable part of the supervision system for public entertainment activities in Malang. Based on interview results with Hamdan Alawi, an assistant investigator in the Criminal Investigation Unit (*Reskrim*) of the Sector Police, once concert organizers obtain an Entertainment Event Permit (IPT) from the Disnaker PMPTSP, they are required to immediately apply for a public event permit from the police.⁵⁷ The permit application is tiered according to audience capacity, namely to the Sector Police for activities with up to 500 attendees, to the Malang City Resort Police for capacities below 2,000 attendees, and to the East Java Regional Police for capacities above 2,000–3,000 attendees. This hierarchy refers to the provisions of the Chief of the Indonesian National Police Regulation Number 9 of 2012 concerning Public Event Permits, which regulates that public event permits are issued according to the scale and potential risk of the organized activity.⁵⁸

⁵⁷ Hamdan Alawi, wawancara, (Malang, 9 April 2026)

⁵⁸ Peraturan Kepala Kepolisian Negara republik Indonesia Nomor 9 tahun 2012 tentang Surat Izin Keramaian

An important point from Hamdan Alawi's explanation is that once the police issue the public event permit, the police automatically bear legal responsibility for ensuring order and security throughout the event. However, this responsibility is not immediately realized through the deployment of large numbers of police personnel to the field. Instead, the first parties deployed to the concert venue are stewards, namely security personnel recruited and funded by the concert organizers themselves. Stewards function as the front line in maintaining audience order, managing queues, regulating crowd mobility within the venue, and identifying potential security disturbances at an early stage. This mechanism places primary responsibility for internal order management on the organizers before direct police intervention occurs.

The police only intervene directly in the field if the stewards identify indications of violence or situations beyond the control of internal security management. In other words, police intervention is responsive and gradual rather than massive from the beginning of the event. Such a security pattern creates significant supervisory loopholes in the context of controlling tobacco product promotion. Since stewards are employed and paid by the concert organizers, they lack independence to report or stop cigarette promotion practices carried out by the organizers themselves, including the distribution of cigarettes to audience members. Meanwhile, police officers who only intervene when indications of violence arise are

clearly not positioned to detect or enforce against subtle yet widespread tobacco sponsorship violations.

These findings reinforce that the concert security system, consisting of organizer-employed stewards, Satpol PP officers waiting for initiatives from technical agencies, and police officers intervening only in cases of violence, is structurally not designed to detect or control tobacco product promotion violations in the field. None of the actors within this security chain are specifically granted mandates or procedures to supervise compliance with Government Regulation No. 109 of 2012 during concerts. According to Soerjono Soekanto's theory of legal effectiveness, this condition can be categorized as a weakness in the law enforcement factor, where the absence of active initiatives and clear coordination mechanisms among institutions causes the law to function ineffectively despite the existence of regulations.

3. The Paradox of Inter-Institutional Coordination and Analysis of Legal Gaps

The Civil Service Police Unit (*Satpol PP*) is juridically the institution most relevant to enforcing tobacco promotion violations at the regional level. This condition aligns with findings reported in an article published by SiwoNews entitled "*Perda KTR Dibakar Rokok*" ("Smoke-Free Area Regulation Burned by Cigarettes"), which emphasized that the

primary duty of Satpol PP is enforcing regional regulations and that officers failing to supervise smoke-free areas may be subject to administrative sanctions.⁵⁹

Based on Government Regulation Number 6 of 2010 concerning the Civil Service Police Unit, Satpol PP has the primary duty of enforcing regional regulations and maintaining public order and social peace.⁶⁰ In the context of cigarette sponsorship violations at music concerts, if a region possesses a Smoke-Free Area Regulation (*Perda Kawasan Tanpa Rokok*) covering the concert venue area, then Satpol PP possesses undeniable authority to carry out enforcement actions. The Smoke-Free Area Regulation applicable in the context of Malang City is Regional Regulation of Malang City Number 2 of 2018, which designates public spaces and publicly-used locations as protected areas. Based on this Regional Regulation, Satpol PP not only possesses the authority but bears the active obligation to patrol and enforce compliance at every location falling within the designated smoke-free area, including music concert venues.⁶¹ Violations of this Regional Regulation may be subject to administrative sanctions including written warnings, temporary closure, and permit

⁵⁹ SiwoNews, «*Perda 'KTR' Dibakar Rokok*», juni, 2025 diakses 10 Maret 2026, <https://siwonews.co.id/perda-ktr-dibakar-rokok/>.

⁶⁰ Pasal 4 Peraturan Pemerintah No. 6 Tahun 2010 tentang Satuan Polisi Pamong Praja

⁶¹ Asep R. Andriana, “Satpol PP Buka Suara Soal Reklame Rokok di Jalan KHZ Mustofa, Penertiban Tunggu Dinas Teknis,” *Q Jabar | Cepat & Akurat*, 6 Maret 2026, <https://qjabar.com/satpol-pp-buka-suara-soal-reklame-rokok-di-jalan-khz-mustofa-penertiban-tunggu-dinas-teknis/>.

revocation enforcement instruments more flexible than waiting for criminal proceedings to conclude. The absence of Satpol PP enforcement at the Festival 76 Concert therefore represents not merely an institutional failure but a direct violation of the active supervisory duty mandated by Regional Regulation Number 2 of 2018.⁶²

The practical issue that emerges, as revealed in an article from Q Jabar entitled “*Satpol PP Buka Suara Soal Reklame Rokok di Jalan KHZ Mustofa, Penertiban Tunggu Dinas Teknis*” (“Satpol PP Speaks Out Regarding Cigarette Advertisements on KHZ Mustofa Street, Enforcement Awaits Technical Agency”), is the existence of a coordination mechanism that in practice actually delays enforcement. The article reported that the Satpol PP of Tasikmalaya City could not directly enforce cigarette advertising violations without first going through administrative procedures from the regional technical agency issuing the permit, which had to first issue gradual warning letters as administrative sanctions.⁶³

This condition reflects a paradox within the law enforcement system concerning tobacco product promotion control. On one hand, the technical licensing agency does not possess authority or mechanisms to

⁶² Rizky Argama, “PP Kesehatan baru: Alasan aturan pengendalian tembakau harus diperkuat di era Prabowo,” *The Conversation*, 4 Februari 2025, <https://doi.org/10.64628/AAN.cckd4xn79>.

⁶³ Asep R. Andriana, «Satpol PP Buka Suara Soal Reklame Rokok di Jalan KHZ Mustofa, Penertiban Tunggu Dinas Teknis» *Q Jabar | Cepat & Akurat*, 6 Maret, 2026, <https://qjabar.com/satpol-pp-buka-suara-soal-reklame-rokok-di-jalan-khz-mustofa-penertiban-tunggu-dinas-teknis/>.

supervise violations occurring in the field. On the other hand, enforcement officers who should possess such authority often wait for initiatives from technical agencies before taking action.⁶⁴ This loophole is subsequently exploited by concert organizers and cigarette companies to conduct various forms of promotion violating legal provisions without facing meaningful enforcement measures.

This empirical condition stands in direct contradiction to the enforcement instruments explicitly provided within Government Regulation Number 109 of 2012 itself. Article 60 paragraph (1) states that supervision over the implementation of this regulation shall be conducted by the Mayor in accordance with their authority — a formulation that is imperative, not permissive, making supervision a legal duty rather than a policy option.⁶⁵ Article 61 paragraph (1) operationalizes this at the city level by requiring the Mayor to designate a specific official responsible for field supervision, while Article 61 paragraph (2) provides that official with the authority to enter suspected locations, inspect records, and impose administrative sanctions. The critical failure is that the Mayor of Malang has not fulfilled the formal designation mandate of Article 61 paragraph (1). Without such designation, no institution possesses the normative legitimacy

⁶⁴ Andriana. «Satpol PP Buka Suara Soal Reklame Rokok di Jalan KHZ Mustofa, Penertiban Tunggu Dinas Teknis, »

⁶⁵ Pasal 60-61 PP No. 109 Tahun 2012, tentang Pengamanan Bahan yang Mengandung Zat Adiktif berupa Produk Tembakau bagi Kesehatan.

to act as primary enforcer and the legal loophole exploited at the Festival 76 Concert will remain structurally open. This is confirmed by the Satpol PP's own statement that enforcement requires a prior initiative from technical agencies, precisely the kind of coordination gap that Article 61's designation mechanism is designed to eliminate.⁶⁶

The inter-institutional coordination paradox documented in this research in which the Disnaker PMPTSP, Satpol PP, and the Police each claim insufficient authority while violations proceed without consequence constitutes a textbook failure of legal certainty in its administrative dimension. As Ach. Tahir explains in his analysis of the principle of legality, the preventive deterrent function of law (*psychologische Zwang*) operates on the premise that both regulated parties and enforcement agencies know in advance which acts are prohibited, who enforces those prohibitions, and what sanctions follow. When this clarity is absent, the deterrent function collapses structurally: enforcement becomes contingent on individual initiative rather than institutional obligation, and regulated parties rationally exploit the resulting vacuum.⁶⁷ In the case of tobacco sponsorship violations in music concerts in Malang City, this collapse is not due to an absence of substantive legal norms Government Regulation

⁶⁶ Andriana, "Satpol PP Buka Suara Soal Reklame Rokok di Jalan KHZ Mustofa, Penertiban Tunggu Dinas Teknis."

⁶⁷ Andriana.

Number 109 of 2012 clearly prohibits the relevant conduct but due to the absence of a formally designated supervisory official as required by Articles 60 and 61 of the same regulation.

These findings are further strengthened by an article from *The Conversation* written by researchers from the Indonesian Center for Law and Policy Studies (*PSHK*), discussing the phenomenon of an annual music concert in Jakarta in late September 2024 where cigarette product logos and imagery remained clearly visible in media coverage even though Government Regulation No. 28 of 2024 prohibiting such practices had already taken effect on July 26, 2024.⁶⁸ The article firmly concluded that inconsistencies between the existence of regulations and their enforcement in practice create conditions in which violations continue to recur due to the absence of firm law enforcement.

When this coordination paradox is examined through the framework of legal effectiveness theory, a profound gap becomes apparent between what the law ought to achieve (*das sollen*) and what actually occurs in practice (*das sein*).

These field findings in fact stand in direct contradiction to the provisions that have been explicitly set forth within Government Regulation No. 109 of 2012 itself. Article 60 paragraph (1) of this regulation affirms

⁶⁸ Argama, “PP Kesehatan baru.”

that supervision of the implementation of this Government Regulation is carried out by the Minister, Governor, or Regent/Mayor in accordance with their respective authority. This article makes clear that supervision is not merely an authority but also an active obligation that must be fulfilled by regional heads. This provision is reinforced by Article 61 paragraph (1), which states that at the district/city level, supervision is carried out by an official specifically appointed by the regent or mayor, as well as Article 61 paragraph (2), which grants that official the concrete authority to enter premises suspected of committing violations, examine administrative records, and impose administrative sanctions. It can therefore be concluded that Government Regulation No. 109 of 2012 has itself already provided adequate legal instruments for active field supervision. The problem is that, to date, the Mayor of Malang has not yet designated a specific technical official who is formally and exclusively responsible for field supervision in the context of concert organization, meaning that the institutional gap causing the mutual deflection of responsibility among the Disnaker PMPTSP, Satpol PP, and the police continues without any systemic resolution.

Analyzed using the theory of legal effectiveness proposed by Soerjono Soekanto, the effectiveness of a legal rule is influenced by five factors: the substance of the law itself, law enforcement officials, facilities

and infrastructure, public legal awareness, and legal culture.⁶⁹ In the context of this research, the weaknesses primarily lie in the second factor, namely law enforcement officials who are not actively conducting field supervision, as well as the fourth factor, namely the low level of legal awareness among concert organizers and cigarette companies. Representatives from the Disnaker PMPTSP themselves acknowledged that many organizers remain unwilling to process permits because they are reluctant to pay taxes, and their legal awareness remains low.

The paradox of inter-institutional coordination described above, when analyzed through the principle of legal certainty, reveals that the root of the problem is not merely the low awareness of government officials, but rather the absence of normative certainty regarding which institution has been officially designated as the responsible party for supervising cigarette sponsorship in concert organization. Article 61 paragraph (1) of Government Regulation No. 109 of 2012 has explicitly stated that supervision at the district/city level is carried out by an official appointed by the regent or mayor. This provision grants a constitutive mandate to the Mayor of Malang to actively designate a specific technical official as the field supervision coordinator. As long as such official designation has not been made, the condition of mutual deflection of responsibility among the

⁶⁹ Dm dkk., “Faktor-Faktor Yang Mempengaruhi Penegakan Hukum Dalam Masyarakat.”

Disnaker PMPTSP, Satpol PP, and the police will continue to persist because no single institution possesses sufficient normative legitimacy to claim itself as the sole responsible party for enforcing cigarette sponsorship violations in the field.

Thus, it can be concluded that the music concert licensing mechanism at the Disnaker PMPTSP of Malang in reality functions merely as an administrative instrument rather than a substantive instrument for controlling tobacco product promotion. The institution's authority only reaches the pre-event stage through the issuance of IPT permits, without mechanisms for verifying sponsorship content or supervising activities during the implementation of the event itself. This condition demonstrates a significant gap between the ideal function of licensing as a control instrument and the actual authority and capacity of the Disnaker PMPTSP in practice a legal vacuum that, in reality, is also not actively filled by Satpol PP or the police.⁷⁰

⁷⁰ Bambang Nurmawan, wawancara, (Malang, 26 Februari 2026)

C. *Maqashid Syari'ah* Perspective on The Control of Tobacco Product Promotion in The Music Concert Licensing Process at the Manpower Office and DPMPTSP of Malang City

From the perspective of Islamic law, every policy implemented by the government should aim to realize public welfare (*maslahah*) and prevent harm (*mafsadah*) to society. This principle is known as *maqashid shari'ah*, which refers to the primary objectives behind the establishment of Islamic law in human life.⁷¹

Scholars of *ushul fiqh* have identified that the primary objective of *maqashid shari'ah* is the protection of the five essential elements of human life, known as *al-kulliyat al-khams*, namely: protection of religion (*hifz al-din*), protection of life (*hifz al-nafs*), protection of intellect (*hifz al-aql*), protection of lineage (*hifz al-nasl*), and protection of property (*hifz al-mal*).⁷² These five elements constitute the fundamental foundation that must be safeguarded by every legal policy, including policies concerning licensing and supervision of public entertainment events such as music concerts

Within the framework of *maqashid shari'ah*, the policy of controlling tobacco product promotion in music concert licensing is directly related to two essential elements: the protection of life (*hifz al-nafs*) and the protection of

⁷¹ Shib, *Al-Muwafaqat fi usul al-shari'ah*.

⁷² Shib. *Al-Muwafaqat fi usul al-shari'ah*

intellect (*hifz al-aql*). The following analysis explains how the limitations of the licensing mechanism found in the field, particularly its inability to address the substance of tobacco promotion control, contradict these two fundamental principles based on the research findings.

Al-Shatibi in *Al-Muwafaqat* emphasized the foundation of this obligation of protection by stating:

وضع الشرع إنما هو لمصالح العباد في العاجل والآجل

“Indeed, the Shari’ah was established solely for the benefit of humanity, both in this world and in the hereafter.”⁷³

This statement confirms that every state policy, including the control of dangerous product promotions such as cigarettes, must be grounded in the objective of genuinely protecting public welfare, rather than merely fulfilling formal administrative obligations.

Before analyzing the two elements of maqashid most relevant to this research, it is important to understand that each protective element within Maqashid Shari'ah carries two complementary dimensions. The first dimension is *isli al-wujud* (to realize): the active measures that must be

⁷³ Smirna Si, *Mustasfa Min Ilm Al-Usul, Vol. I, by Ghazali* (t.t.), diakses 22 April 2026, <http://archive.org/details/GAZALIMustasfaMinIlmUsulI>.

undertaken to ensure that the element of protection is present and fulfilled in actual life. In the context of public policy, *li al-wujud* is reflected in the formation of regulations that substantively prohibit practices harmful to society. The second dimension is *li al-baqa'* (to preserve): the preventive and enforcement measures designed to protect the realized element from threats that could erode it. In the context of public policy, *li al-baqa'* is reflected in active, consistent law enforcement so that normative protection does not collapse through the absence of supervision. Al-Shatibi in *Al-Muwafaqat* emphasized that realizing a benefit without preserving it is incomplete work because a benefit that has been realized can be undone if not actively maintained.⁷⁴ This two-dimension framework will serve as the primary analytical lens for evaluating the extent to which the state, through the Disnaker PMPTSP and related enforcement bodies, has fulfilled its obligations to protect the life and intellect of the public from the negative impacts of tobacco product promotion in music concert organization in Malang City. The same framework also links directly to Soerjono Soekanto's theory of legal effectiveness: *li al-wujud* corresponds to the factor of 'legal norms' (the regulation exists), while *li al-baqa'* corresponds to the factor of 'law enforcement apparatus' (the regulation is actively enforced).⁷⁵

⁷⁴ Shib, *Al-Muwafaqat fi usul al-shari'ah*.

⁷⁵ Dm dkk., "Faktor-Faktor Yang Mempengaruhi Penegakan Hukum Dalam Masyarakat."

1. Perspective of *Hifz al-Nafs* (Protection of Life)

Hifz al-nafs, or the protection of human life, is one of the most fundamental objectives in *maqashid shari'ah*. Al-Ghazali in his work *Al-Mustasfa* asserted that safeguarding human life is a primary obligation that must not be compromised under any circumstances.⁷⁶ Al-Ghazali expressed this principle as follows:

مقصود الشرع من الخلق خمسة : أن يحفظ عليهم دينهم ونفسهم وعقلهم ونسلهم وما لهم

“The purpose of Shari’ah for mankind consists of five things: preserving their religion, life, intellect, lineage, and property.”

In the modern context, *hifz al-nafs* not only includes protection from direct physical threats but also protection from gradual and systemic health threats, including the harmful effects of smoking, which have been scientifically proven to damage various human organs.

Within the framework of these two *maqashid* dimensions, the state's obligation regarding *hifz al-nafs* can be understood through two complementary lenses. From the perspective of *li al-wujud* (realizing the protection of life), the state has fulfilled its initial obligation by issuing Government Regulation Number 109 of 2012, which substantively

⁷⁶ Smirna Si, *Mustasfa Min Ilm Al-Usul, Vol. I, by Ghazali* (t.t.), diakses 10 Maret 2026, <http://archive.org/details/GAZALIMustasfaMinIlmUsulI>.

prohibits the free distribution of cigarettes, the use of tobacco product logos in public events, and tobacco product sponsorship.⁷⁷ Government Regulation Number 28 of 2024 further strengthens this prohibition in media-covered events, constituting an additional layer of *li al-wujud* protection.⁷⁸ From the perspective of *li al-baqa'* (preserving the protection of life), the state bears the obligation to ensure issued regulations are genuinely enforced in the field, so that threats to human life are actively prevented through sustained supervision. The findings of this research reveal that although the *li al-wujud* dimension has been fulfilled through existing regulations, the *li al-baqa'* dimension has suffered serious failure due to the absence of active supervisory mechanisms within the music concert organization process in Malang City rendering *hifz al-nafs* protection merely normative while health threats continue unimpeded in the field.⁷⁹

In the case of the Festival 76 Concert, the practice of distributing cigarette products to concert attendees through ticket purchases constitutes a clear violation of the principle of *hifz al-nafs*. When an individual, particularly a young person, receives cigarette products as part of the

⁷⁷ Pasal 60-61 Peraturan Pemerintah Nomor 109 tahun 2012, , tentang Pengamanan Bahan yang Mengandung Zat Adiktif berupa Produk Tembakau bagi Kesehatan.

⁷⁸ Smirna Si, *Mustasfa Min Ilm Al-Usul, Vol. I, by Ghazali* (t.t.).

⁷⁹ Rasito Rasito dan Izza Mahendra, "Moderasi Fikih Melalui Pendekatan Maqasid Al-Shari'ah Yusuf al-Qaradhawi: Mencari Relevansinya Di Indonesia," *Al-Wasatiyah: Journal of Religious Moderation* 1, no. 1 (Agustus 2022): 36–65, <https://doi.org/10.30631/jrm.v1i1.3>.

experience of attending an anticipated music concert, a positive psychological association is formed between cigarettes and pleasure or entertainment. Fajar Taufiqurrohman explained the impact of this strategy:⁸⁰

"It was observed that, after the product was launched, widespread awareness and recognition of the product were achieved among consumers."

This statement explicitly confirms the effectiveness of concerts as a medium for cigarette marketing. From the perspective of *hifz al-nafs*, this condition is highly concerning because it demonstrates that cigarette promotion strategies through music concerts successfully expand public recognition and acceptance of tobacco products, which ultimately has the potential to increase the number of new smokers. This directly contradicts the objective of protecting life within *maqashid shari'ah*.

From the perspective of *maqāṣid al-sharī'ah*, the protection of life is one of the principal objectives of Islamic law that must be preserved. According to Yusuf al-Qaradhawi, the primary purpose of Islamic law is to maximize human benefit both in this world and the hereafter, encompassing the protection of essential aspects such as life, intellect, property, and others. Based on the explanation above, it can be concluded

⁸⁰Fajar Taufiqurrohman, wawancara, (Malang, 30 Januari 2026).

that any action causing harm or danger to life, such as smoking which endangers health, is contrary to the objectives of the law. In this situation, protection of life constitutes part of the essential necessities (*daruriyyat*), which, if neglected, would negatively affect human life.⁸¹ Therefore, any government policy that allows unlawful cigarette promotion to continue without firm enforcement may be viewed as a form of neglect of the state's obligation to protect the *hifz al-nafs* of its citizens.

From this perspective, the weak supervisory mechanism of the Manpower Office and DPMPTSP, which is not accompanied by active monitoring from the Civil Service Police Unit (*Satpol PP*) and the police at concert venues, contradicts the state's obligation to protect the lives of its citizens. The state must be present not only through written regulations but also through consistent and firm law enforcement in the field.

Findings from a SiwoNews article examining a case in Metro City further strengthen this argument. The article warned that law enforcement officers who fail to actively perform their supervisory duties regarding tobacco regulation violations may be subject to administrative sanctions.⁸² Within the framework of *maqashid shari'ah*, such negligence is not merely

⁸¹ Rasito dan Mahendra, "Moderasi Fikih Melalui Pendekatan Maqasid Al-Shari'ah Yusuf al-Qaradhawi."

⁸² SiwoNews, *Perda 'KTR' Dibakar Rokok*.

a violation of positive law but also a neglect of the moral obligation to protect public *hifz al-nafs*.

2. Perspective of *Hifz-'Aql* (Protection of Intellect)

In addition to its relation to *hifz al-nafs*, controlling tobacco product promotion in music concerts also has strong relevance to *hifz al-aql*, or the protection of human intellect. Ibn Ashur in *Maqashid al-Shariah al-Islamiyah* emphasized that *hifz al-aql* encompasses not only the physical aspect of the intellect but also protection from external influences capable of damaging human thought patterns, perceptions, and decision-making abilities.⁸³ He explained:

العقل أصل التكليف ومناطق المسؤولية، فوجب صونه من كل ما يفسده

“Intellect is the basis of legal responsibility and accountability; therefore, it must be protected from anything that corrupts it.”

Within the framework of the two *maqashid* dimensions, the state's obligation regarding *hifz al-'aql* can likewise be understood through the lenses of *li al-wujud* and *li al-baqa'*. From the perspective of *li al-wujud* (realizing the protection of intellect), the state is obligated to create a social environment that supports freedom of thought and autonomous rational

⁸³ Ibn Ashur, *Original Edition Translated from the Arabic and Annotated by Mohamed El-Tahir El-Mesawi Abridged by Alison Lake*, t.t.

decision-making, free from planned psychological manipulation. In the domain of music concert organization, this dimension is fulfilled through the existence of Article 35 of Government Regulation Number 109 of 2012, which prohibits the use of tobacco product logos in public events a prohibition that normatively protects the cognitive space of the public, particularly the younger generation, from deliberate efforts to associate cigarettes with attractive modern lifestyles.⁸⁴ Ibn Ashur affirmed that the intellect is the basis of legal responsibility and must be protected from anything that corrupts it which includes not merely chemical intoxicants but also systematic cognitive manipulation designed to erode autonomous decision-making.⁸⁵

From the perspective of *li al-baqa'* (preserving the protection of intellect), the state bears the ongoing obligation to protect intellectual freedom from systematic psychological manipulation carried out by the tobacco industry through entertainment media. Research by Patel et al. (2009) demonstrated that tobacco companies deliberately design sponsorship strategies to associate their products with positive emotional experiences among youth a tactic that constitutes a direct attack on the *li al-baqa'* of *hifz al-'aql* by engineering conditions that undermine the

⁸⁴ Pasal 60-61 Peraturan Pemerintah Nomor 109 tahun 2012, tentang Pengamanan Bahan yang Mengandung Zat Adiktif berupa Produk Tembakau bagi Kesehatan

⁸⁵ Ashur, *Original Edition Translated from the Arabic and Annotated by Mohamed El-Tahir El-Mesawi Abridged by Alison Lake*.

capacity for independent rational refusal.⁸⁶ The *li al-baqa'* failure in this context is further confirmed by the Argama/PSHK article, which highlights that even under Government Regulation Number 28 of 2024, violations continue due to weak field enforcement — meaning the state has not preserved the normative protection it created.⁸⁷ The findings of this research confirm that the *li al-baqa'* dimension over *hifz al-'aql* has suffered a concrete failure: not a single institution was actively present at the Festival 76 Concert to prevent the systematic marketing strategy that deliberately constructed an emotional environment undermining the audience's capacity to rationally refuse the tobacco product distributed to them.

The promotion of cigarette products through music concerts constitutes a highly systematic and planned form of perception manipulation. By associating cigarette products with enjoyable concert atmospheres, favorite artists, and positive communal experiences, the tobacco industry intentionally forms positive cognitive associations in the minds of audiences, particularly among the younger generation. In marketing science, this strategy is known as *experiential marketing*, which

⁸⁶ Patel dkk., “Bringing ‘Light, Life and Happiness.’”

⁸⁷ Argama, “PP Kesehatan baru.”

has proven to be far more effective in building consumer loyalty than conventional advertising.

Research by Patel et al. (2009), which examined music sponsorship practices by British American Tobacco in sub-Saharan Africa, demonstrated that the presence of cigarette products at music events significantly increased positive adolescent associations toward tobacco products, creating an image that smoking is synonymous with a modern, free, and enjoyable lifestyle.⁸⁸ Similar findings were confirmed in the Indonesian context by an article from The Conversation/PSHK, which highlighted that although Government Regulation No. 28 of 2024 prohibits cigarette logos from appearing in media-covered events, violations continue to occur due to weak law enforcement in the field.⁸⁹

In the context of the Festival 76 Concert, the mechanism of distributing cigarette products through ticket purchases is not merely a legal violation but also an assault on the *hifz al-aql* of concert attendees. When a young person who initially attends simply to enjoy music suddenly finds themselves holding a “76” cigarette product as part of the “concert package,” a perception is created that smoking is normal, enjoyable, and closely associated with urban youth identity. This represents interference

⁸⁸ Patel dkk., “Bringing ‘Light, Life and Happiness.’”

⁸⁹ Argama, “PP Kesehatan baru.”

with intellectual freedom in making clear and independent decisions free from manipulative influences.

From the perspective of *maqashid shari'ah*, this condition clearly contradicts the objective of preserving *hifz al-aql*. Jasser Auda in *Maqasid Al-Shariah as Philosophy of Islamic Law* emphasized that *maqashid shari'ah* must be understood holistically as a system for human protection encompassing preventive and promotive dimensions.⁹⁰ This means that the state is not only obligated to prohibit practices that damage the intellect through regulations but is also required to actively take preventive measures to stop such practices from occurring, including through firm law enforcement in the field.

Within this framework, the role of *Satpol PP* and the police as law enforcement officers at concert venues becomes highly crucial. As revealed in a Q Jabar article concerning the mechanism for controlling cigarette advertisements by *Satpol PP*, there exists a systemic loophole whereby *Satpol PP* waits for initiatives from technical agencies before taking action.⁹¹ From the perspective of *maqashid shari'ah*, this loophole cannot

⁹⁰ 'Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*.

⁹¹ Andriana, "Satpol PP Buka Suara Soal Reklame Rokok di Jalan KHZ Mustofa, Penertiban Tunggu Dinas Teknis."

be justified because it results in tolerance of violations that damage public intellect without enforcement.

The Conversation/PSHK article explicitly recommends that law enforcement officers at concert venues be granted stronger authority and not need to wait for initiatives from licensing agencies before taking action.⁹² his recommendation aligns perfectly with the maqashid shari'ah principle that prioritizes preventive and responsive measures in protecting public *hifz al-aql*.

3. State Obligation from the Perspective of Maqashid Shari'ah and Their Implications for Law Enforcement

Yusuf al-Qaradhawi in his work *Dirasah fi Fiqh Maqashid al-Shariah* emphasized that in public policymaking, the principle of *dar' al-mafasid* (preventing harm) holds higher priority than the principle of *jalb al-masalih* (bringing benefits). This is in line with the legal maxim he quoted:⁹³

درء المفسد مقدم على جلب المصالح

“Preventing harm takes precedence over obtaining benefit.”

⁹² Argama, “PP Kesehatan baru.”

⁹³ Muhammad Safwan, “Pemikiran Maqasid Al-Shari'ah Yusuf Alqaradawi Dan Muhammad Sa'id Ramadan Al-Buti: Satu Kajian Perbandingan - ProQuest,” diakses 4 Mei 2026, <https://www.proquest.com/openview/521cfd64d7e2dea29ae085af680f498d/1>.

This means that when there is a conflict between the economic interests of the tobacco industry on one side and the protection of public health and intellect on the other, priority must be given to protecting society.

This principle is directly relevant to the findings of this study. The statement from a representative of the Manpower Office and DPMPTSP that “if it is not under our authority, perhaps it belongs to *Satpol PP*, and if there is a criminal element, it may fall under the police,” on one hand reflects the legal division of authority.⁹⁴ However, from the perspective of *maqashid shari’ah*, the statement also reflects a condition in which no institution proactively and integratively assumes responsibility for preventing cigarette promotion violations at music concerts. The licensing agency considers its duty complete once the event permit is issued, while law enforcement officers in the field wait for reports or initiatives from technical agencies.

From the perspective of *maqashid shari’ah*, this condition creates a vacuum of protection (*khulluw al-himayah*) that contradicts the state’s obligation as an institution entrusted with safeguarding the five essential elements of human life. Wahbah al-Zuhayli emphasized that in Islam, the

⁹⁴Bambang Nurmawan, wawancara, (Malang 26 Februari 2026)

state has an active obligation to prevent *mafsadah*, rather than merely remaining passive while waiting for reports of violations.⁹⁵

Therefore, from the perspective of *maqashid shari'ah*, the necessary solution is not merely clarifying the division of authority among institutions but establishing a proactive integrated supervisory mechanism in which the Manpower Office and DPMPTSP, as the licensing authority, acts as the first gate of sponsor verification; *Satpol PP* actively conducts patrols and field enforcement during concerts; and the police are prepared to take action if criminal elements are found in the violations committed. The synergy of these three institutions represents a concrete manifestation of the *maqashid shari'ah* principle in protecting the lives and intellect of society from the negative impacts of tobacco product promotion.

Thus, the implementation of tobacco product promotion control in the music concert licensing process in Malang City, when analyzed through the lens of *maqashid shari'ah*, demonstrates a significant gap between the ideals of protecting life and intellect mandated by Islamic law and the reality of law enforcement in the field. The phenomenon of the Festival 76 Concert serves as concrete evidence that without active supervision from *Satpol PP* and the police, supported by the commitment of the Manpower

⁹⁵ Nasihuz Zaman, *Ushul Fiqh Al Islami-Wahbah Zuhaili*, t.t., diakses 10 Maret 2026, https://www.academia.edu/30071166/Ushul_Fiqh_Al_Islami_Wahbah_Zuhaili.

Office and DPMPTSP not to stop merely at administrative functions, violations of cigarette sponsorship in music concerts will continue to occur and undermine the values of protecting life and intellect that form the core of *maqashid shari'ah*.

CHAPTER V

CONCLUSION

A. Conclusion

Based on the results of the research and discussion presented in the preceding chapters, it can be concluded that the implementation of tobacco product promotion control within the music concert organization process at the Department of Manpower, Investment, and One-Stop Integrated Services (Disnaker PMPTSP) of Malang City remains limited in scope and has not been optimally implemented. The Disnaker PMPTSP only possesses authority at the administrative stage, namely the issuance of the Entertainment Event Permit (IPT) as one of the prerequisites for obtaining a public event permit from the police. The institution does not have a specific mechanism to verify or supervise the forms of sponsorship utilized by concert organizers, including whether such sponsorship involves tobacco products in contravention of Government Regulation Number 109 of 2012. This was evident in the Festival 76 Concert held in Malang City in October 2024, where “76” cigarette products were distributed to audiences through a ticket purchase mechanism priced at Rp20,000. Such practice constituted a clear violation of Article 35 of Government Regulation No. 109 of 2012, yet no enforcement action was taken by the relevant authorities. This condition is further aggravated by overlapping authority among law enforcement institutions, where the Manpower Office and DPMPTSP consider themselves unauthorized to regulate violations occurring

in the field and transfer responsibility to the Civil Service Police Unit (Satpol PP) and the police, while in practice these two institutions also tend to wait for initiatives from technical agencies before taking action. This loophole has been exploited by the tobacco industry to continue conducting covert promotions through music concerts without facing meaningful legal consequences. When analyzed using Soerjono Soekanto's theory of legal effectiveness, the primary weakness lies in the inactivity of law enforcement officers in conducting field supervision, as well as the low level of legal awareness among concert organizers and tobacco industry actors themselves.

Furthermore, from the perspective of *Maqashid Shari'ah*, such conditions also contradict two principal objectives of Islamic law, namely the protection of life (*hifz al-nafs*) and the protection of intellect (*hifz al-aql*). From the perspective of *hifz al-nafs*, the practice of distributing cigarette products to concert audiences, the majority of whom are young people, constitutes a real threat to human health, which falls under the category of primary necessities (*daruriyat*). The state, as an institution entrusted with protecting its citizens, is obligated not only to issue regulations but also to ensure that those regulations are consistently enforced in practice. From the perspective of *hifz al-aql*, cigarette promotion strategies through music concerts represent a systematic manipulation of audience perception, particularly among youth, by associating cigarette products with pleasure, modern lifestyles, and positive experiences. This constitutes an attack on the freedom of intellect in making clear and

independent decisions. Within the framework of *maqashid shari'ah*, a condition in which no institution proactively assumes responsibility for preventing cigarette promotion violations at music concerts creates what may be referred to as a “vacuum of protection” (*khulluw al-himayah*), which clearly contradicts the principle of *dar' al-mafasid* (preventing harm) as emphasized by scholars of *ushul fiqh*. Therefore, the necessary solution is not merely clarifying the division of authority among institutions, but rather establishing a proactive integrated supervisory mechanism among the Manpower Office and DPMPTSP, *Satpol PP*, and the police as a concrete manifestation of protecting the life and intellect of society as mandated by *maqashid shari'ah*.

B. Recommendation

Based on the conclusions above, the researcher proposes several recommendations that are expected to serve as constructive input for related parties:

1. **First**, for the Manpower Office and DPMPTSP of Malang City, it is necessary to strengthen the music concert licensing mechanism by adding a specific clause regarding the prohibition of tobacco product sponsorship within the IPT application form. Concert organizers should be required to submit a written statement declaring that the event is free from all forms of tobacco product promotion that contradict Government Regulation No. 109 of 2012, and if violations are discovered in the future, the issued IPT may be

revoked. In addition, the Manpower Office and DPMPTSP need to establish more active coordination with *Satpol PP* and the police so that supervision does not stop merely at the pre-event administrative stage but also includes field supervision during the concert.

2. **Second**, for *Satpol PP* and the Malang City Police, there needs to be a stronger commitment to conduct active patrols during every large-scale music concert without waiting for reports or initiatives from technical agencies. If practices involving tobacco product promotion that violate legal provisions are discovered, including the distribution of cigarette products in any form to audiences, direct enforcement action must be carried out immediately in the field. This is important to create a deterrent effect for organizers and tobacco companies that have thus far felt secure committing violations due to the absence of serious field supervision.
3. **Third**, for music concert organizers, particularly those operating within Malang City, there is a need to improve understanding and compliance with applicable legal provisions concerning tobacco product sponsorship. Organizers should understand that collaborating with tobacco companies as sponsors is not merely a business matter, but also carries legal consequences that may lead to permit revocation and even criminal sanctions. In addition, organizers must recognize their moral responsibility toward

audiences, especially the younger generation, not to use concerts as a medium for promoting products that may endanger health and negatively influence public perception.

4. **Fourth**, for future researchers, this study still has limitations because it only focuses on one institution and one violation case in Malang City. Future research is expected to broaden its scope by examining the implementation of tobacco product promotion control in various other regions, so that a more comprehensive understanding of the effectiveness of Government Regulation No. 109 of 2012 at the national level can be obtained. Furthermore, future studies may also examine more deeply the most effective legal mechanisms for closing supervisory loopholes that have long been exploited by the tobacco industry, including the possibility of implementing stricter administrative sanctions for concert organizers proven to have violated cigarette sponsorship regulations.

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APPENDIXES

Appendix I: Photos & Documentation



figure 1. Documentation of Interview with Fajar Taufiqurrohman, Founder of Konser Malang Raya



figure 2. Documentation of Interview with Fajar Taufiqurrohman, Founder of Konser Malang Raya



figure 3. Documentation of Interview with Bambang Nurmawan, S.H., M.Hum., Head of Licensing and Non-Licensing Services Division for Economic, Social, and Cultural Affairs (EKSPARSOSBUD)



figure 4. Documentation of the interview with the police

PANDUAN WAWANCARA

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Wawancara ini dilakukan dalam rangka penelitian skripsi dan bersifat akademis. Seluruh informasi yang diberikan akan digunakan semata-mata untuk keperluan penelitian ilmiah. Tidak ada jawaban yang benar atau salah, yang terpenting adalah pengalaman dan pemahaman narasumber berdasarkan praktik di lapangan.

DAFTAR PERTANYAAN

1. Kalau ada penyelenggaraan konser atau acara yang melibatkan banyak orang, apakah pihak kepolisian ikut melakukan pengawasan?
 - Iya ada, setiap ada acara yang melibatkan banyak orang pasti kepolisian ikut mengawasi. Apalagi kalau izin keramaianya sudah keluar, otomatis kepolisian sudah punya tanggung jawab terhadap keamanan dan ketertiban selama acara berlangsung.
2. Kalau memang ada pengawasan, apakah perlu menunggu instruksi dari atasan dulu atau memang sudah otomatis jadi bagian dari tugas kepolisian?
 - Sebenarnya itu sudah jadi bagian dari tugas, jadi nggak harus nunggu instruksi khusus dari atasan. Tapi dalam praktiknya kepolisian juga nggak langsung turun besar-besaran dari awal acara, biasanya baru turun kalau ada situasi yang sudah nggak bisa ditangani sama pihak pengamanan internalnya.
3. Apakah steward ini merupakan tim dari kepolisian atau dari pihak lain?

➢ Bukan, steward itu bukan dari kepolisian. Mereka petugas yang memang direkrut dan dibayar langsung oleh penyelenggara konsernya. Tugasnya mengatur penonton, mengatur antrian, dan memantau situasi di dalam venue. Jadi mereka itu pengamanan internal dari pihak penyelenggara sendiri.

4. Apakah kepolisian tetap ikut turun ke lapangan jika sudah ada steward?

➢ Tetap bisa turun, tapi nggak selalu hadir dari awal acara. Biasanya steward dulu yang jadi garis pertama pengamanan, kepolisian baru turun langsung kalau ada laporan kekerasan atau situasi yang sudah di luar kendali. Jadi sifatnya lebih responsif, nggak langsung standby penuh dari awal acara.

5. Bagaimana alur perizinan keramaian yang ada di kepolisian?

➢ Jadi penyelenggara itu harus mengurus izin dulu ke Disnaker PMPTSP untuk mendapatkan Izin Penyelenggaraan Tontonan, nah izin itu nanti dibawa ke kepolisian sebagai salah satu syarat pengajuan izin keramaian. Ada jenjangnya juga, kalau acaranya kecil cukup ke Polsek, kalau lebih besar ke Polresta, dan kalau kapasitas penontonnya sangat besar bisa sampai ke Polda. Prosesnya memang bertahap dan disesuaikan dengan skala acaranya.

6. Kalau boleh tau, dalam syarat pengajuan izin keramaian di kepolisian, apakah ada ketentuan yang mengharuskan penyelenggara mencantumkan siapa saja sponsornya?

➢ Aslinya tidak ada ketentuan spesifik yang mewajibkan bagi penyelenggara untuk mencantumkan daftar sponsor acaranya tapi, biasanya daftar sponsor secara tidak langsung sudah dilampirkan didalam proposal kegiatan dimana proposal kegiatan itu dokumen wajib yang untuk acara skala besar

7. Kalau selama acara berlangsung ternyata ditemukan ada pembagian rokok gratis atau promosi rokok yang mencurigakan, itu kewenangan siapa yang harusnya menindak? Apakah kepolisian langsung bisa bertindak atau harus koordinasi dulu dengan instansi lain?

➢ Penindakan masalah promosi dalam suatu acara biasanya melibatkan beberapa instansi tidak selalu menjadi kewenangan tunggal kepolisian, peran kepolisian dalam hal ini biasanya koordinasi dan pengawalan maksudnya polisi hadir untuk mendampingi atau mengamankan ketika satpol pp menerbitkan di lokasi acara, yang kedua pelanggaran izin keramaian maksudnya : jika pembagian rokok tsb dianggap melanggar poin poin kesepakatan yang sudah disepakati waktu

pengajuan izin keramaian konser polisi berhak memberikan teguran lisan bahkan menghentikan acara tersebut dikarenakan pelanggaran administrasi izin

8. Selama ini apakah pernah ada laporan atau kejadian di konser yang berkaitan dengan pelanggaran promosi rokok, misalnya pembagian rokok ke penonton? Kalau pernah, bagaimana penanganannya?

➢ alhamdulillah selama ini belum ada kejadian tersebut

9. Kalau steward yang bertugas di dalam venue menemukan ada pelanggaran, apakah mereka punya jalur pelaporan langsung ke kepolisian atau harus lewat penyelenggara dulu?

➢ steward harus melaporkan dulu ke eo/panita penyelenggara event sebelum ke kepolisian, kecuali dalam keadaan darurat fungsi steward dalam event itu bertindak sebagai lini terdepan untuk menjaga ketertiban, pelayanan, dan keselamatan, bukan sebagai penyidik. Tindakan mereka lebih ke arah pencegahan dan pelaporan insiden kalau masalah penyidikan itu tugas kepolisian, yang dimaksud situasi darurat itu perkelahian anarkis, pengotoran, atau kejahatan seksual, kalau ada kejadian seperti itu steward diperbolehkan melaporkan langsung ke petugas kepolisian yang berjaga di dalam atau sekitar venue untuk penanganan cepat

10. Menurut pengalaman di lapangan, apakah kepolisian merasa sistem pengamanan yang ada sekarang sudah cukup untuk mengawasi kegiatan konser, atau dirasa masih ada yang perlu diperbaiki?

➢ secara umum sistem pengamanan yang ada sekarang sudah cukup untuk mengawasi kegiatan konser, lebih terstruktur, tapi dalam pengalaman lapangan menunjukkan masih ada titik titik krusial yang perlu diperbaiki supaya standar kemaran tidak cuma formalitas diatas kertas

Malang, 9 April 2026
Peneliti,

Davina Mutiara Tasya
NIM. 220202110171

figure 5. List of questions and answers in the interview with the police



KEMENTERIAN AGAMA REPUBLIK INDONESIA
UNIVERSITAS ISLAM NEGERI MAULANA MALIK IBRAHIM MALANG
FAKULTAS SYARIAH
Jl. Gajayana 50 Malang 65144 Telepon (0341) 559399 Faksimile (0341) 559399
Website: <http://syariah.uin-malang.ac.id> E-mail: syariah@uin-malang.ac.id

Nomor : 54 /F.Sy.1/TL.01/01/2026
Hal : **Permohonan Izin Penelitian**

Kepada Yth.
Kepala Dinas Penanaman Modal dan Pelayanan Terpadu Satu Pintu
Jl. Merdeka Timur, Kiduldalem, Kec. Klojen, Kota Malang, Jawa Timur 65119

Assalamualaikum wa Rahmatullah wa Barakatuh

Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:

Nama : Davina Mutiara Tasya
NIM : 22020211017
Program Studi : Hukum Ekonomi Syariah

mohon diperkenankan untuk mengadakan penelitian dengan judul :
**Implementasi Pengendalian Promosi Produk Tembakau Dalam Perizinan Konser
 Untuk Menegakkan Pelanggaran Hukum Sponsorship Rokok Perspektif Maqashid
 Syariah (Studi Di Dinas Penanaman Modal dan Pelayanan Terpadu Satu Pintu),**
 pada instansi yang Bapak/Ibu Pimpin.

Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.

Wassalamualaikum wa Rahmatullah wa Barakatuh

Scan Untuk Verifikasi



Dekan,

Umi Sumbulah

Tembusan :

- 1.Dekan
2.Ketua Prodi Hukum Ekonomi Syariah
3.Kabag. Tata Usaha



figure 6. Research Permit Letter



SURAT KETERANGAN PENELITIAN

Nomor : 100.3.12/260.0252/35.73.406/2026

Yang bertanda tangan di bawah ini Kepala Dinas Tenaga Kerja, Penanaman Modal dan Pelayanan Terpadu Satu Pintu dengan ini menerangkan bahwa:

Berdasarkan surat dari : FAKULTAS SYARIAH UIN MAULANA MALIK IBARHIM MALANG;
Nomor : 54/F.SY.1/TL.01/01/2026;
Tanggal : 29 JANUARI 2026;
Perihal : PENELITIAN SKRIPSI.

Dapat diberikan Surat Keterangan Penelitian (SKP) kepada:

NO	NAMA	NIK	NIM	PRODI
1	Davina Mutiara Tasya	3173014812030010	220202110171	Hukum Ekonomi Syariah

Judul Penelitian : IMPEMENTASI PENGENDALIAN PROMOSI PRODUK TEMBAKU DALAM PERIZINAN KONSER UNTUK MENCEGAH PLANGGARAN HUKUM SPONSORSHIP ROKOK PERSPEKTIF MAQASHID SYARIAH;
Lokasi Penelitian : DINAS TENAGA KERJA, PENANAMAN MODAL DAN PELAYANAN TERPADU SATU PINTU KOTA MALANG
LT. 3 MAL ALUN - ALUN JL. MERDEKA TIMUR NO. 4, KEL. KIDULDALEM, KEC. KLOJEN.

Dengan ketentuan – ketentuan sebagai berikut:

1. Penelitian yang dilaksanakan harus sesuai dengan judul yang tertera dalam SKP ini;
2. Menaatl tata tertib yang berlaku pada lokasi penelitian;
3. Mematuhi peraturan perundang-undangan yang berlaku;
4. Menyampaikan hasil penelitian kepada Badan Kesatuan Bangsa dan Politik Kota Malang;
5. Berlaku mulai tanggal **1 Februari 2026a.d. 30 April 2026**.

Ditetapkan di : Malang
Pada tanggal : 23 Februari 2026

KEPALA DINAS TENAGA KERJA, PENANAMAN MODAL
DAN PELAYANAN TERPADU SATU PINTU,



ARIF TRI SASTYAWAN, S.STP, M.Si
Pembina Tingkat I
NIP. 19790709 199810 1 001

Demikian SKP ini dibuat untuk digunakan sebagaimana mestinya.

Tembusan disampaikan Yth :

1. Sdr. Bakesbangpol Kota Malang;
2. Sdr. Kepala Dinas Tenaga Kerja, Penanaman Modal dan Pelayanan Terpadu Satu Pintu Kota Malang

Catatan :

- ✓ UU ITE No 11 Tahun 2008 Pasal 5 ayat 1
- ✓ "Informasi Elektronik dan/atau Dokumen Elektronik dan/atau hasil cetaknya merupakan alat bukti hukum yang sah."
- ✓ Dokumen ini telah ditandatangani secara elektronik menggunakan Sertifikat Elektronik yang diterbitkan oleh Balai Besar Sertifikasi Elektronik, BSSN
- ✓ Surat ini dapat dibuktikan keasliannya terdapat di <https://izoi.malangkota.go.id>

figure 7. Research Certificate

CURRICULUM VITAE



Name	:	Davina Mutiara Tasya
Gender	:	Female
Place and Date Birth	:	Jakarta, 08 December 2003
Religion	:	Islam
University	:	Universitas Islam Negeri Maulana Malik Ibrahim Malang
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Address in Malang	:	Jalan Kanjuruhan No. 14, Kel. Tlogomas, Kec. Lowokwaru, Kota Malang, Jawa Timur
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Phone Number	:	085697589226
Email	:	davinamutiara08@gmail.com

Educational Background	:	TK/RA NAHDAH (2009-2010) SDN RAWA BUAYA 10 PETANG (2010-2016) SMP DAAR EL-QOLAM (2016-2019) SMA DAAR EL-QOLAM (2019-2022)
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