

REGULATION OF THE REGENCY OF BANJARNEGARA
NUMBER 3 OF 2019
ON
SMOKE – FREE AREAS

BY THE BLESSINGS OF ALMIGHTY GOD

THE REGENT OF BANJARNEGARA,

Considering : that in order to implement the provisions of Article 52 of Government Regulation Number 109 of 2012 on Safeguarding Materials Containing Addictive Substances in the Form of Tobacco Products for Health, it is necessary to establish a Regional Regulation on Smoke-Free Areas;

Observing :

1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 13 of 1950 on Establishment of Regency Areas within the Province of Central Java;
3. Law Number 8 of 1981 on Criminal Procedure Code (State Gazette of the Republic of Indonesia of 1981 Number 76, Supplement to the State Gazette of the Republic of Indonesia Number 3274);
4. Law Number 23 of 2002 on Child Protection (State Gazette of the Republic of Indonesia of 2002 Number 109, Supplement to the State Gazette of the Republic of Indonesia Number 4235);
5. Law Number 36 of 2009 on Health (State Gazette of the Republic of Indonesia of 2009 Number 144, Supplement to the State Gazette of the Republic of Indonesia Number 5063);
6. Law Number 12 of 2011 on Legislation Making (State Gazette of the Republic of Indonesia of 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5233);
7. Law Number 23 of 2014 on Local Governments (State Gazette of the Republic of Indonesia of 2014 Number 244,

8. Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended by Law Number 9 of 2015 on Second Amendment to Law Number 23 of 2014 on Local Governments (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679);
9. Government Regulation Number 32 of 1950 on Enactment of Enforcing Law Number 13 of 1950 on Establishment of Regency Areas within the Province of Central Java;
10. Government Regulation Number 41 of 1999 on Air Pollution Control (State Gazette of the Republic of Indonesia of 1999 Number 86, Supplement to the State Gazette of the Republic of Indonesia Number 3853);
11. Government Regulation Number 109 of 2012 on Safeguarding Materials Containing Addictive Substances in the Form of Tobacco Products for Health (State Gazette of the Republic of Indonesia of 2012 Number 278, Supplement to the State Gazette of the Republic of Indonesia Number 5380);

With the Joint Approval of
THE REGIONAL HOUSE OF REPRESENTATIVES OF THE REGENCY OF
BANJARNEGARA
and
THE REGENT OF BANJARNEGARA

HAS DECIDED :

To Issue: REGIONAL REGULATION ON SMOKE-FREE AREA.

CHAPTER 1
GENERAL PROVISIONS

Article 1

In this Regional Regulation:

1. Region means the Regency of Banjarnegara.
2. Regent means the Regent of Banjarnegara.
3. Regional Apparatus means an element assisting the Regent and the House of Representatives in managing government affairs within the authority of the Region.
4. Health means the physical, mental, spiritual, and social well-being condition that allows every person to live productively in a social and economic context.
5. Cigarette mean processed tobacco wrapped in various forms, including cigars or other forms derived from *Nicotiana Tabacum*, *Nicotiana Rustica*, and other species, or its synthetic variants containing nicotine and tar, with or without additional substances. It also includes electronic nicotine delivery systems consisting of a battery, heating element, and a cartridge containing liquid with nicotine, propylene glycol, or glycerin, with or without flavor additives.
6. Smoking means the activity of burning and/or inhaling tobacco, or heating liquid in a device and/or inhaling it.
7. Smoke-Free Area means a place, room, or area where smoking, producing, selling, advertising, and/or promoting cigarettes or tobacco products is prohibited.
8. Closed Place or Building means a location or space that is

covered by a roof and/or enclosed by one or more walls, regardless of the material used, with either a permanent or temporary structure.

9. Health Service Facility means any equipment and/or place used to provide health services, including promotive, preventive, curative, and rehabilitative efforts conducted by central government, local government, and/or the community. This includes places used for health services, whether owned and/or managed by the government, private entities, community, and/or individuals.
10. Learning Process Place means a location used for teaching and learning activities and/or education and/or training.
11. Children's Play Area means a place or space designated for children's activities.
12. Place of worship means a place used for religious activities.
13. Public Transportation means any motor vehicle provided for use by the public for a fee.
14. Workplace means any room or area, whether open or closed, movable or stationary, where workers work or frequently enter for the purposes of an enterprise and where there are sources of danger. This includes any enclosed or open space, whether movable or stationary, used for work with normal compensation (salary/wages), including other places traversed by workers within the Smoke-Free Area.
15. Public Place means any location or space where many people gather to engage in activities, either temporarily or continuously, whether or not payment is required. It includes all enclosed spaces accessible to the general public and/or places used collectively for community activities, regardless of ownership or usage rights managed by the government, private entities, and/or the community.
16. Manager, leader, and/or person responsible for the building means individuals and/or legal entities who, by virtue of their position, lead and/or are responsible for activities and/or operations in a place or area designated as a Smoke-Free Area, whether it is owned by the government or private entities.
17. Entity means a group of individual and/or capital that forms a unit, whether engaged in business or not, including limited liability companies, commanditaire vennootschap, other forms of corporations, state-owned or regional enterprises under any name or form, partnerships, joint ventures, cooperatives, foundations, mass organizations, socio-political organizations or similar organizations, pension funds, permanent establishments, and other forms of entities.

CHAPTER II PRINCIPLES AND OBJECTIVES

Article 2

This Regional Regulation is based on the principles of:

- a. the interest of human health quality;
- b. balance;
- c. utility;
- d. integration and harmony;

- e. sustainability;
- f. participation;
- g. fairness and certainty; and
- h. transparency and accountability.

Article 3

The objectives of issuing this Regional Regulation are to:

- a. provide protection from the dangers of tobacco smoke for active and/or passive smokers;
- b. provide clean and healthy spaces and environments for the community;
- c. protect public health from the adverse effects of smoking, both direct and indirect;
- d. create a clean and healthy environment free from tobacco smoke;
- e. ensure the safety and comfort of residents;
- f. enhance awareness, willingness, and ability to live healthily; and
- g. reduce the number of smokers and prevent new smokers.

CHAPTER III SMOKE-FREE AREAS

Article 4

- (1) Smoke-Free Areas include:
 - a. healthcare facilities;
 - b. educational institutions;
 - c. places where children play;
 - d. places of worship;
 - e. sports facilities;
 - f. public transportation;
 - g. workplaces ; and
 - h. public places and other designated areas.
- (2) The leaders or persons in charge of the places as referred to in section (1) are required to establish and enforce Smoke-Free Areas.

Article 5

- (1) Smoke-Free Areas as referred to in Article 4, section (1), point a, point b, point c, point d, point e, and point f are prohibited from providing designated smoking areas and are smoke-free areas that are free from cigarette smoke up to the outermost boundaries.
- (2) Smoke-Free Areas as referred to in Article 4, section (1), point g and point h are areas that are free from cigarette smoke up to the extent of the outermost drip line of the roof and where a smoke-free areas may be established.

Article 6

- (1) In Non-Smoking Areas as referred to in Article 5 section (2), a designated smoking area may be provided.

- (2) The designated smoking area as referred to in section (1) is not be established inside the building.
- (3) The designated smoking area as referred to in section (1) must meet the requirements:
 - a. it is an open space or a space directly connected to the outside air, allowing for good air circulation;
 - b. it is separated from the main building/place/room and other areas used for activities;
 - c. it is far from entrances and exits; and
 - d. it is far from areas where people pass by.

Article 7

Healthcare facilities as referred to in Article 4 section (1) point a include:

- a. hospitals;
- b. maternity clinics;
- c. polyclinics;
- d. community health centers;
- e. medical centers;
- f. integrated service posts;
- g. integrated development posts;
- h. pharmacies;
- i. private practices of doctors/midwives/nurses;
- j. private healthcare practices; and
- k. other healthcare facilities.

Article 8

Learning and teaching places as referred to in Article 4 section (1) point b include:

- a. schools;
- b. higher education institutions;
- c. education and training centers;
- d. vocational training centers;
- e. tutoring centers;
- f. training centers; and
- g. other learning and teaching places.

Article 9

Places for children to play as referred to in Article 4 section (1) point c include:

- a. children's play areas;
- b. child care centers;
- c. early childhood education buildings;
- d. kindergarten building; and
- e. other places for children to play.

Article 10

The places of worship as referred to in Article 4 section (1) point d include:

- a. mosque/prayer room;
- b. church;
- c. monastery;

- d. temple;
- e. *klenteng* (Chinese temple); and
- f. other places of worship.

Article 11

Sports facilities as referred to in Article 4 section (1) point e, include:

- a. sports field;
- b. stadium;
- c. swimming pool;
- d. gym; and
- e. other sports facilities.

Article 12

Public transportation, as referred to in Article 4 section (1) point f, includes:

- a. public buses;
- b. city transportation including tourist vehicles, school buses, and employee buses; and
- c. other public transportation.

Article 13

Workplaces, as referred to in Article 4 section (1) point g, include:

- a. government offices, both civil and Indonesian National Armed Forces and
- b. Indonesian National Police;
- c. private offices;
- d. industries; and
- e. other workplaces.

Article 14

Public places as referred to in Article 4 section (1) point h, include:

- a. modern markets;
- b. traditional markets or public markets;
- c. tourist attractions;
- d. sports venues;
- e. entertainment venues;
- f. hotels and restaurants;
- g. bus stops;
- h. public transportation terminals; and
- i. other public places.

Article 15

Further provisions regarding other places designated as referred to in Article 4 section (1) point h are regulated by a Regent Regulation.

CHAPTER IV OBLIGATIONS AND PROHIBITIONS

Article 16

The Local Government is obligated and responsible for implementing the designation of smoke-free areas, in the form of:

- a. collecting data and information about smoke-free areas in the region;
- b. educating the public about the dangers of smoking;
- c. disseminating regulations related to smoke-free areas; and
- d. monitoring and evaluating the implementation of smoke-free areas.

Article 17

- (1) Every person who produces tobacco products is prohibited from using additives unless it has been scientifically proven that the additives are not harmful to health.
- (2) Every person is prohibited from selling tobacco products using vending machines, to individuals under the age of 18 (eighteen), and to pregnant women.
- (3) Every person is prohibited from broadcasting and depicting, in the form of images or photos, showing, displaying, or revealing people smoking, cigarette sticks, cigarette smoke, cigarette packaging, or anything related to tobacco products, as well as any form of tobacco product information in print media, broadcast media, and information technology media that is related to commercial activities/advertising or that encourages people to smoke.
- (4) Every person who produces and/or imports tobacco products is prohibited from providing tobacco products and/or items resembling tobacco products free of charge to children, adolescents, and pregnant women.
- (5) Every person is prohibited from asking individuals under the age of 18 (eighteen) to sell, purchase, or consume tobacco products.
- (6) Any events sponsored by tobacco products and/or intended to promote tobacco products are prohibited from involving individuals under the age of 18 (eighteen).
- (7) Every person is prohibited from consuming, advertising, promoting, sponsoring, producing, selling, and/or purchasing cigarettes/tobacco products in smoke-free areas.
- (8) The prohibition on selling as referred to in section (2) is exempted for public places that have a license to sell cigarettes.
- (9) Every person selling cigarettes in public places is prohibited from clearly displaying the types and products of cigarettes.

Article 18

Every smoke-free area manager is obligated to:

- a. conduct internal supervision at the places and/or locations under their responsibility;
- b. prohibit everyone from smoking in the smoke-free areas under their responsibility;
- c. remove ashtrays or similar items from the places and/or locations under their responsibility;
- d. install no-smoking signs according to the requirements at

- all main entrances and in places deemed necessary, and ensure they are easily readable and/or audible;
- e. further provisions regarding the form, size, and requirements of no-smoking signs as referred to in point d are regulated by the Regent Regulation.

CHAPTER V COORDINATION, GUIDANCE, AND SUPERVISION

Part One Coordination

Article 19

- (1) The Regent coordinates with regional apparatus in the organization and management of smoke-free areas.
- (2) The Regent coordinates with government and non-governmental agencies in the organization and management of smoke-free areas.
- (3) Coordination as referred to in section (1) and section (2) includes regulation and implementation.

Part Two Guidance and Supervision

Article 20

- (1) The Regent carries out guidance and supervision of the implementation of smoke-free areas in Desa (urban villages) and Kelurahan (urban villages).
- (2) In carrying out the guidance and supervision as referred to in section (1), the Regent may delegate this responsibility to the Sub-district Head.
- (3) Guidance and supervision as referred to in section (1) include:
 - a. dissemination and coordination;
 - b. provision of guidelines;
 - c. consultation;
 - d. monitoring and evaluation; and/or
 - e. awarding recognition.

Article 21

Further provisions regarding the implementation of coordination, guidance, and supervision as referred to in Article 19 and Article 20 are regulated by a Regent Regulation.

CHAPTER VI PUBLIC PARTICIPATION

Article 22

- (1) Public participation in the management of smoke-free areas may include:
 - a. providing suggestions, opinions, and thoughts,

- proposals, and considerations related to the monitoring and implementation of smoke-free area policies;
 - b. participating in providing guidance and counseling as well as disseminating information to the public about smoke-free areas;
 - c. reminding or admonishing smokers not to smoke in smoke-free areas;
 - d. notifying the owner, manager, and person responsible for the smoke-free area if a violation occurs; and
 - e. reporting violations to the relevant authorities.
- (2) The Local Government disseminates information regarding public participation in the organization and management of smoke-free areas.

CHAPTER VII FORMATION OF SMOKE-FREE AREA ENFORCEMENT TASK FORCE

Article 23

- (1) In the guidance and supervision of smoke-free areas as referred to in Article 20, the Regent forms a Smoke-Free Area Enforcement Task Force.
- (2) The Smoke-Free Area Enforcement Task Force consists of:
- a. The Regent as the Coordinator;
 - b. The Vice Regent as the Deputy Coordinator;
 - c. The Regional Secretary of Banjarnegara as the Chairperson;
 - d. The Head of the Regional Apparatus handling health affairs as the Secretary; and
 - e. Heads/Chairpersons of vertical agencies and heads of regional apparatus.

CHAPTER VIII INVESTIGATIVE PROVISIONS

Article 24

- (1) Certain Civil Servant Investigators within the Local Government are given special authority as investigators to conduct investigations into criminal offenses in the field of legal aid, as referred to in the Criminal Procedure Code.
- (2) The authority of the investigators as referred to in section (1) is:
- a. receiving, seeking, collecting, and examining information or reports related to criminal offenses in the field of legal aid to ensure that the information or reports are complete and clear;
 - b. examining, seeking, and collecting information about individuals or entities regarding the truth of actions related to criminal offenses in the field of legal aid;
 - c. requesting statements and evidence from individuals or entities on criminal offenses in the field of legal aid;
 - d. examining books, records, and other documents

- related to criminal acts in the field of legal aid;
 - e. conducting searches to obtain evidence of bookkeeping, records, and other documents, and seizing such evidence;
 - f. requesting expert assistance in the execution of duties related to the investigation of criminal acts in the field of legal aid;
 - g. ordering individuals to stop and/or prohibiting them from leaving a room or place during an ongoing investigation and checking the identity of individuals and/or documents being carried;
 - h. photographing individuals related to criminal acts in the field of legal aid;
 - i. summoning individuals to be heard for their testimony and examined as suspects or witnesses;
 - j. terminating the investigation; and
 - k. taking other necessary actions to ensure the smooth investigation of criminal acts in the field of legal aid according to applicable law.
- (3) The investigator as referred to in section (1) notifies the commencement of the investigation and submit the results of the investigation to the Public Prosecutor through the Investigator of the Indonesian National Police, in accordance with the provisions stipulated in the Criminal Procedure Code.

CHAPTER VIII CRIMINAL PROVISIONS

Article 25

Anyone who violates the provisions as referred to in Article 17 section (2), section (5), and section (6) is sentenced with imprisonment for a maximum of 3 (three) days and/or fined for a minimum of Rp 100,000.00 (one hundred thousand rupiah).

Article 26

Anyone who violates the provisions as referred to in Article 17 section (3), section (7), section (8), and section (9) is sentenced with imprisonment for a maximum of 7 (seven) days and/or fined for a minimum of of Rp 1,000,000.00 (one million rupiah).

Article 27

Anyone who violates the provisions as referred to in Article 17 (1) and section (4) is sentenced with imprisonment for a maximum of 3 (three) months and/or a fined for a maximum of Rp 50,000,000.00 (fifty million rupiah).

Article 28

Any manager of a Non-Smoking Area who violates the provisions as referred to in Article 18 are sentenced with imprisonment for a maximum of 15 (fifteen) days and/or fined for a maximum of Rp 50,000,000.00

(fifty million rupiah)

CHAPTER IX CLOSING

Article 29

This regulation comes into force one year after the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Regional Regulation by its placement in the Regional Gazette of the Regency of Banjarnegara.

Issued in Banjarnegara
on 9 January 2019

REGENT OF BANJARNEGARA,

signed

BUDHI SARWONO

Promulgated in Banjarnegara
on 2 February 2019

SECRETARY OF THE REGENCY OF BANJARNEGARA,

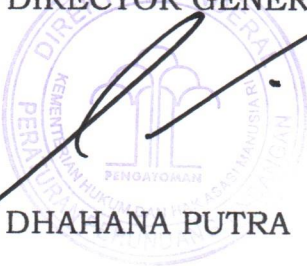
signed

INDARTO

REGIONAL GAZETTE OF THE REGENCY OF BANJARNEGARA OF 2019
NUMBER 3

Jakarta, 31 December 2024

Has been translated as an Official Translation
on behalf of Minister of Law of the Republic of Indonesia
DIRECTOR GENERAL OF LEGISLATION,



DHAHANA PUTRA