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MAYOR OF SURAKARTA

CENTRAL JAVA PROVINCE

REGIONAL REGULATION OF SURAKARTA CITY

NUMBER 9 OF 2019

ABOUT

SMOKING-FREE AREA

BY THE GRACE OF GOD ALMIGHTY

MAYOR OF SURAKARTA,

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

Remember : 1. Article 18 paragraph (6) of the 1945 Constitution of the Republic of Indonesia;

2. Law Number 16 of 1950 concerning the Establishment of Large City Areas within the Provinces of East Java, Central Java, West Java and the Special Region of Yogyakarta (State Gazette of the Republic of Indonesia 1950 Number 45);

3. Law Number 36 of 2009 concerning Health (State Gazette of the Republic of Indonesia 2009 Number 144, Supplement to the State Gazette of the Republic of Indonesia Number 5063);

4. Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended several times, most recently by Law Number 9 of 2015 concerning the Second Amendment to Law Number 23

2014 concerning Regional Government (State Gazette of the Republic of Indonesia 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679);

5. Government Regulation Number 19 of 2003 concerning Cigarette Safety for Health (State Gazette of the Republic of Indonesia 2003 Number 36, Supplement to the State Gazette of the Republic of Indonesia Number 4276);
6. Government Regulation Number 109 of 2012 concerning the Protection of Materials Containing Addictive Substances in the Form of Tobacco Products for Health (State Gazette of the Republic of Indonesia 2012 Number 278, Supplement to the State Gazette of the Republic of Indonesia Number 5380);

7. Surakarta City Regional Regulation Number 11 of 2017 concerning the Regional Health System (Surakarta City Regional Gazette 2017 Number 11, Surakarta City Regional Gazette Supplement Number 74);

By Mutual Consent

REGIONAL PEOPLE'S REPRESENTATIVE COUNCIL OF SURAKARTA CITY

And

MAYOR OF SURAKARTA

DECIDE:

Establish: REGIONAL REGULATIONS CONCERNING NO-SMOKING AREAS.

PIG

GENERAL REQUIREMENTS

article 1

In this Regional Regulation, the following terms are defined as: 1. Region is the City of Surakarta.

2. The Regional Government is the Mayor as an element of the Regional Government administration that leads

implementation of government affairs that fall under the authority of autonomous regions.

3. The Mayor is the Mayor of Surakarta.
4. Regional Apparatus is an element that assists the Mayor and the Regional People's Representative Council as the organizers of Surakarta City government affairs.
5. Health is a state of physical, mental, social and cultural well-being that enables everyone to live productively socially and economically.

6. Cigarettes are a tobacco product that is intended to be burned and smoked and/or inhaled, including clove cigarettes, white cigarettes, cigars, or other forms produced from plants. *nicotiana tabacum, nicotiana rustica,*and other species or synthetics whose smoke contains nicotine and tar, with or without additives.

7. Smoking is the activity of burning and/or sucking on cigarettes and/or exhaling cigarette smoke.

8. A Smoke-Free Area, hereinafter abbreviated as KTR, is a room or area that is declared prohibited for smoking activities or activities producing, selling, advertising and/or promoting tobacco products.

9. Health Service Facilities, hereinafter referred to as Fasyankes, are tools and/or places used to organize health service efforts, whether promotive, preventive, curative or rehabilitative, carried out by the Government, regional governments and/or the community.

10. The Teaching and Learning Process Place is a place used for teaching and learning activities and/or education and/or training.

11. Children's Play Area is a closed or open area used for children's play activities.

12. A place of worship is a building or closed space that has certain characteristics which are specifically used for worship by followers of each religion on a permanent basis, excluding family places of worship.

13. Public transportation is a means of transportation for the public in the form of land, water and air vehicles.
14. Workplace is any closed or open, movable or fixed room or field where workers work, or which workers frequently enter for the purposes of a business and where there is a source or sources of danger.

15. Public places are all closed places that can be accessed by the general public and/or places that are used collectively for community activities, regardless of ownership or right to use, which are managed by the State, private sector and/or the community.

16. Other places are certain open spaces that are used together for community activities.

17. The person responsible for KTR is the manager, manager, driver, leader and/or owner of KTR.
18. A Special Smoking Area is a place that can be provided by the Person in Charge of the KTR with certain criteria as a separate room from the place that must be free from cigarette smoke.
19. Society is individuals and/or groups of people.

20. A person is an individual as a supporter of rights and obligations.
21. A body is a group of people and/or capital which is a unit which either carries out business or does not carry out business which includes

limited liability companies, limited partnerships, other companies, state or regional owned enterprises in any name and form, firms, partnerships, cooperatives, associations, foundations, mass organizations, socio-political organizations or similar organizations, pension funds, permanent establishments, and other forms of bodies.

22. A closed place or building is a place or space that is covered by a roof and limited by one or more walls regardless of the material used and whether the structure is permanent or temporary.
23. A place or room is a part of a building that functions as a place to carry out activities and/or business.

24. A child is a person who is not yet 18 (eighteen) years old, including a child in the womb.

CHAPTER II
PURPOSE AND OBJECTIVES

Article 2

The purpose of the Regional Regulation on Smoke-Free Areas is to create a healthy environment for the community.

Article 3

The aim of the Regional Regulation on KTR is to: a. protect public health in general from the negative impacts of smoking, both directly and indirectly;

b. creating a clean and healthy environment, free from cigarette smoke;
c. provide a sense of security/comfort in other people;
d. increasing awareness, willingness and ability to live healthily; and

e. reduce the number of smokers and prevent new smokers.

CHAPTER III

DETERMINATION OF OTHER SUBSTANCES INCLUDING CIGARETTES AND DETERMINATION OF KTR

Part One

Determination of Other Materials Including Cigarettes

Article 4

Other materials including cigarettes include:

a. shisha;

b. electronic cigarettes; and

c. other materials stipulated by statutory regulations.

Part Two

Determination of KTR

Article 5

(1) KTR in the Region includes:

a. Health facilities;

b. Place of Teaching and Learning Process;

c. Children's Playground;

d. Places of Worship;

e. Public Transportation;

f. Workplace;

g. Public Places; and

h. Other places.

(2) KTR as intended in paragraph (1) letters a to d and h covers the entire area up to the fence or outermost boundary.

(3) The KTR as referred to in paragraph (1) letters f and g includes all spaces up to the water flow limit from the outermost roof and/or closed building.

Article 6

(1) Health facilities as referred to in Article 5 paragraph
(1) letter a includes:
a. hospital;
b. community health centers (puskesmas);
c. auxiliary health center;
d. doctor's practice;
e. independent midwife/nurse practice;
f. clinic;
g. pharmacy/drug store;
h. Health laboratory;
i. Traditional health facilities; and/or
j. other health service facilities.

(2) The place of the teaching and learning process as referred to in Article 5 paragraph (1) letter b includes formal and non-formal places of the teaching and learning process.

(3) Children's Play Areas as referred to in Article 5 paragraph (1) letter c, include:
a. child care center;
b. childcare facilities;
c. children's play area; and/or
d. other children's activity areas.

(4) Places of worship as referred to in Article 5 paragraph (1) letter d, include:
a. mosque, prayer room or prayer room;
b. churches and chapels;
c. temple;
d. temple; and
e. temple.

(5) Public transportation as referred to in Article 5 paragraph (1) letter e, includes:
a. bus;
b. taxi;
c. urban transportation;
d. trains; and
e. other public transportation.

(6) The workplace as referred to in Article 5 paragraph (1) letter f includes:

a. workplaces in government agencies, whether central, provincial or regional;

b. State/Regional Owned Enterprises; and/or

c. private workplace.

(7) Public places as referred to in Article 5 paragraph (1) letter g, include:

a. hotel;

b. restaurant;

c. restaurant;

d. terminal;

e. station;

f. traditional markets and modern shops;

g. shopping centers;

h. meeting hall;

i. library;

j. cinema;

k. sports facilities and infrastructure; and

l. a place for performing arts in a closed space.

(8) Other places as referred to in Article 5 paragraph (1) letter h include:

a. bus stop;

b. recreation parks; and

c. sports facilities and infrastructure.

CHAPTER IV

SPECIAL PLACE FOR SMOKING

Article 7

(1) KTR as intended in Article 5 paragraph (1) letter f, letter g, and letter h may be provided with a special place for smoking.

(2) Special smoking areas as referred to in paragraph (1) must meet the following requirements:

a. is an open space or a space that is directly connected to the outside air so that the air can circulate well:

b. separate from the main building/place/room and other rooms used for activities;

c. far from the entrance and exit; and

d. far from where people pass by.

(3) Provisions regarding the construction/provision of Special Places for Smoking as referred to in paragraph (1) are regulated in the Mayor's Regulation.

CHAPTER V

RIGHTS AND OBLIGATIONS

Part One

Right

Article 8

Everyone has the right to:

a. get clean air and free from cigarette smoke in KTR;

b. obtain correct information and education regarding the dangers of cigarette smoke for health; and

c. obtain information related to KTR.

Article 9

The person responsible for KTR has the right to:

a. obtain information and technical guidance from the Regional Government to realize KTR in accordance with the provisions of laws and regulations;

b. designate special smoking areas in accordance with statutory regulations; and/or

c. receive awards and/or incentives in accordance with statutory regulations.

Part Two
Obligation

Article 10

Every person is obliged to comply with:

a. prohibition of smoking in KTR;

b. a warning from the KTR Responsible Person directly or through an officer assigned by the KTR Responsible Person; and/or

c. regulations made by the KTR Responsible Person.

Article 11

(1) Every KTR Responsible Person is obliged to:

a. make and install prohibitory signs and/or Special Places for Smoking signs in places that are easy to see and read;

b. carry out internal supervision in the KTR which is his responsibility by installing surveillance cameras and/or assigning supervisory officers;

c. receive and follow up on reports from any person who knows of any violation of the smoking ban in the KTR for which they are responsible;

d. remind, reprimand and take necessary action against every person who violates the smoking ban in the KTR for which they are responsible; and/or

e. impose sanctions on any person working for the KTR Manager if they violate the smoking ban in the KTR.

(2) The sanctions as referred to in paragraph (1) letter e are determined by the Person in Charge of KTR.

(3) Further provisions regarding the form, size and requirements for the no smoking signs as referred to in paragraph (1) are regulated in the Mayor's Regulation.

Article 12

Besides must carry out provision as referred to in Article 11 paragraph (1), every person responsible for the teaching and learning process location is obliged to:

a. include a ban on smoking in the rules and regulations of the Teaching and Learning Place;

b. reject offers of advertising, promotions, sponsorships and/or cooperation in any form carried out by cigarette companies and/or organizations that use trademarks, logos, slogans and/or colors that can be associated as the characteristics of cigarette companies, for the purposes of curricular or extracurricular activities carried out inside and outside the Teaching and Learning Process Place;

c. prohibiting the installation of billboards, advertisements, distribution of pamphlets and other forms of advertising from cigarette companies or foundations that are circulated or installed in the environment where the teaching and learning process takes place; and/or

d. prohibit the sale of cigarettes in canteens/stall-in stalls at teaching and learning facilities, cooperatives or other forms of sales in the teaching and learning facilities environment.

Article 13

Any person responsible for KTR who violates the provisions as referred to in Article 11 paragraph (1) and Article 12 will be subject to administrative sanctions in the form of:

a. verbal warning;

b. written warning;

c. restrictions on operational activities; and/or

d. revocation of permit.

CHAPTER VI

PROHIBITION

Article 14

Everyone is prohibited from smoking in the KTR except in the Special Smoking Area.

Article 15

Every person and/or body is prohibited from producing cigarettes in a KTR except in workplaces that have a permit to produce cigarettes.

Article 16

(1) Every Person and/or Body forbidden promote and sell cigarettes in KTR.
(2) Exempted from the provisions as referred to in paragraph (1) are KTR as referred to in Article 5 paragraph (1) letters f, g and h which are places where cigarettes are sold.

Article 17

Every person and/or body that sells cigarettes in a KTR which is a place where cigarettes are sold is prohibited from selling cigarettes to children under 18 (eighteen) years of age and pregnant women.

CHAPTER VII

GUIDANCE AND SUPERVISION

Part One

Coaching

Article 18

The Regional Government is responsible and authorized to provide guidance to KTR in the Region regarding:
a. Person in charge of KTR;
b. Society; and/or
c. Body.

Article 19

(1) The guidance as referred to in Article 18 includes:

a. dissemination of information and outreach through print, electronic and direct media;
b. coordination with all agencies, elements of community organizations, educational circles, community leaders and religious leaders;
c. motivate and build participation and community initiatives to live healthily without cigarette smoke by conducting KTR campaigns;
d. formulate policies related to protecting the public from exposure to cigarette smoke; and

e. providing incentives and awards.

(2) Further provisions regarding the provision of incentives and awards as referred to in paragraph (1) letter e are regulated in the Mayor's Regulation.

Article 20

(1) The Regional Government may carry out cooperation in order to implement guidance as referred to in Article 19 paragraph (1).

(2) The cooperation as referred to in paragraph (1) is implemented in accordance with the provisions of laws and regulations.

Part Two

Supervision

Article 21

(1) The Regional Government is responsible and authorized to carry out supervision of KTR in the Region.

(2) Supervision as referred to in paragraph (1) is implemented through:

a. field inspection; and
b. organizing a community complaints center.

(3) The supervision procedures as referred to in paragraph (2) are regulated in the Mayor's Regulation.

CHAPTER VIII

COMMUNITY PARTICIPATION

Article 22

The community plays a role in realizing KTR in their respective residential areas.

Article 23

(1) Community participation as referred to in Article 22 is directed at:

a. realizing the fulfillment of the community's right to a clean and healthy living environment so that they are protected from cigarette smoke; and

b. assist authorized officials in supervising the implementation of KTR.

(2) Community participation as referred to in paragraph (1) may take the form of:

a. providing suggestions, opinions and thoughts, proposals and considerations regarding the monitoring and implementation of KTR policies;

b. participation in guidance, counseling and dissemination of information to the community about KTR;

c. giving warnings or warnings to smokers not to smoke in KTR; and/or

d. notification to the Head and/or Person in Charge of KTR if a violation occurs

CHAPTER IX

FUNDING

Article 24

(1) KTR funding can come from:

a. regional revenue and expenditure budget; and/
or
b. other sources of funding that are legal and non-binding.

(2) KTR funding comes from the regional revenue and expenditure budget as referred to in paragraph (1) letter a in accordance with the financial capacity of the region.

CHAPTER X

INVESTIGATION PROVISIONS

Article 25

(1) Certain Civil Servant Investigators within the Regional Government are authorized to carry out investigations into violations of the provisions in this Regional Regulation.

(2) The investigation as referred to in paragraph (1) shall be carried out in accordance with the provisions of laws and regulations concerning criminal procedure law.

CHAPTER XI

CRIMINAL PROVISIONS

Article 26

Any person who violates the provisions as referred to in Article 14 shall be punished with imprisonment for a maximum of 1 (one) month or a maximum fine of Rp. 1,000,000.00 (one million rupiah).

Article 27

Any person and/or body that violates the provisions as referred to in Article 15 shall be punished with imprisonment for a maximum of 6 (six) months or a maximum fine of IDR 50,000,000.00 (fifty million rupiah).

Article 28

Any person and/or body that violates the provisions as referred to in Article 16 paragraph (1) and Article 17 shall be punished with imprisonment for a maximum of 3 (three) months or a maximum fine of IDR 10,000,000.00 (ten million rupiah).

Article 29

The criminal acts referred to in Articles 26 to 28 are criminal violations.

CHAPTER XII

TRANSITIONAL PROVISIONS

Article 30

Every area, building and space designated as a KTR in this Regional Regulation must comply with the provisions in this Regional Regulation no later than 1 (one) year after this Regional Regulation comes into effect.

CHAPTER XIII

CLOSING

Article 31

The Mayor's Regulation as the implementation of this Regional Regulation must be stipulated no later than 1 (one) year after the enactment of this Regional Regulation.

Article 32

This Regional Regulation shall come into force on the date of its promulgation.

So that every person know it order invitation Regulation Area this with its placement in the Surakarta City Regional Gazette.

Established in Surakarta on August 19, 2019 MAYOR OF SURAKARTA,

Signed

FX. HADI RUDYATMO

Promulgated in Surakarta on August 19, 2019
REGIONAL SECRETARY OF SURAKARTA CITY,
sgd

AHYANI

SURAKARTA CITY REGIONAL GAZETTE 2019 NUMBER 9

NOREG REGIONAL REGULATION OF SURAKARTA CITY, CENTRAL JAVA PROVINCE (9-265/2019)

EXPLANATION

ON

REGIONAL REGULATION OF SURAKARTA CITY

NUMBER 9 OF 2019

ABOUT

SMOKING-FREE AREA

I. GENERAL

Based on Article 28H of the 1945 Constitution of the Republic of Indonesia, everyone has the right to live in physical and spiritual prosperity, to have a place to live and to have a good and healthy living environment and the right to receive health services.

Based on various studies, it has been stated that there are dangers of cigarette smoke for public health and the environment, so that security measures are needed from the Regional Government as part of the Government of the Republic of Indonesia which is tasked with protecting all Indonesian people as mandated in the Preamble to the 1945 Constitution of the Republic of Indonesia.

Based on the authority granted by Government Regulation Number 109 of 2012 concerning the Protection of Materials Containing Addictive Substances in the Form of Tobacco Products for Health, the Regional Government has established a Regional Regulation concerning KTR.

The formation of Regional Regulations on KTR aims to:

a. protect public health in general from the negative impacts of smoking, both directly and indirectly;

b. creating a clean and healthy environment, free from cigarette smoke;

c. provide a sense of security/comfort in other people;

d. increasing awareness, willingness and ability to live healthily; and

e. reduce the number of smokers and prevent new smokers. The regulatory principles in the Regional Regulation on KTR are protection, the interests of human quality of life, the balance between human life and the environment, public benefit, increased welfare, justice and legal certainty, and participation.

The content of the material regulated in the Regional Regulation on KTR includes:

a. determination of KTR

b. Special Place for Smoking;

c. Rights and Obligations;

d. Prohibition;

e. Guidance and Supervision;

f. Community Participation;

g. Funding; and

h. Provisions for Investigation;

i.Criminal Provisions.

II. ARTICLE BY ARTICLE

Article 1

Quite clear.

Article 2

Quite clear.

Article 3

Quite clear.

Article 4

Quite clear.

Article 5

Quite clear.

Article 6

Verse (1)

Letter a

Quite clear.

Letter b

Quite clear.

Letter c

Quite clear.

Letter d

Quite clear.

The letter e

Quite clear.

Letter f

Quite clear.

Letter g

Quite clear.

Letter h

Quite clear.

The letter i

What is meant by "traditional health facilities" are health service facilities that include traditional health services, massage, and health services with herbal remedies.

Letter j

What is meant by "other health service facilities" are designated health service facilities which are later designated as Fasyankes based on statutory regulations.

Verse (2)

Quite clear.

Verse (3)

Quite clear.

Verse (4)

Quite clear.

Verse (5)

Letter a

Quite clear.

Letter b

Quite clear.

Letter c

Quite clear.

Letter d

Quite clear.

The letter e

What is meant by "other public transportation" is public transportation which includes special rental transportation, general rental transportation, including pick-up and drop-off transportation, transportation not on a route.

Verse (6)

Quite clear.

Verse (7)

Letter a

Quite clear.

Letter b

What is meant by "restaurant" is a restaurant in accordance with the provisions of the Regulations on Tourism Businesses.

Letter c

What is meant by "restaurant" is in accordance with the provisions of the Regulations on Tourism Businesses.

Letter d

Quite clear.

The letter e

Quite clear.

Letter f

What is meant by "people's market" includes traditional markets.

Letter g

Quite clear.

Letter h

Quite clear.

The letter i

Quite clear.

Letter j

Quite clear.

Letter k

Quite clear.

Letter l

Quite clear.

Verse (8)

Quite clear.

Article 7

Quite clear.

Article 8

Quite clear.

Article 9

Quite clear.

Article 10

Quite clear.

Article 11

Quite clear.

Article 12

Quite clear.

Article 13

Quite clear.

Article 14

Quite clear.

Article 15

Quite clear.

Article 16

Quite clear.

Article 17

Quite clear.

Article 18

Quite clear.

Article 19

Quite clear.

Article 20

Quite clear.

Article 21

Quite clear.

Article 22

Quite clear.

Article 23

Quite clear.

Article 24

Quite clear.

Article 25

Quite clear.

Article 26

Quite clear.

Article 27

Quite clear.

Article 28

Quite clear.

Article 29

Quite clear.

Article 30

Quite clear.

Article 31

Quite clear.

Article 32

Quite clear.

SUPPLEMENTARY GAZETTE OF SURAKARTA CITY NUMBER 100