

REGULATION OF THE REGENCY OF LEBAK
NUMBER 3 OF 2023
ON
SMOKE-FREE AREA

BY THE BLESSINGS OF ALMIGHTY GOD

THE REGENT OF LEBAK,

Considering : that in order to implement the provisions of Article 52 of Government Regulation Number 109 of 2012 on Safety of Materials Containing Addictive Substances in the Form of Tobacco Products for Health, it is necessary to issue 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 14 of 1950 on Local Government in the Province of West Java (State Bulletin of 1950) as amended by Law Number 4 of 1968 on Establishment of Purwakarta Regency and Subang Regency by Amending Law Number 14 of 1950 on Establishment of Regency Regions in the Province of West Java (State Gazette of the Republic of Indonesia of 1968 Number 31, Supplement to the State Gazette of the Republic of Indonesia Number 2851);

3. Law Number 23 of 2000 on Establishment of Banten Province (State Gazette of the Republic of Indonesia of 2000 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 4010);

4. 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) as amended several times last by Law Number 6 of 2023 on Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation to Become Law (State Gazette of the Republic of Indonesia of 2023 Number 41, Supplement to the State Gazette of the Republic of Indonesia Number 6856);

5. Law Number 23 of 2014 on Local Governments (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended several times last by Law Number 6 of 2023 on Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation to Become Law (State Gazette of the Republic of Indonesia of 2023 Number 41, Supplement to the State Gazette of the Republic of Indonesia Number 6856);
6. Government Regulation Number 109 of 2012 on Safety of 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
LEBAK
and
THE REGENT OF LEBAK
HAS DECIDED:

To issue: REGIONAL REGULATION ON SMOKE-FREE AREA.

CHAPTER I GENERAL PROVISIONS

Article 1

In this Regional Regulation:

1. Region means the Regency of Lebak.
2. Local Government means the administration of government affairs by the local government and the

regional house of representatives according to the principles of autonomy and assistance tasks with the principle of the widest possible autonomy within the system and principles of the Unitary State of the Republic of Indonesia as referred to in the 1945 Constitution of the Republic of Indonesia.

3. Local Government means the Regent as an element of the Local Government administrator who leads the implementation of government affairs which are the authority of the autonomous region.
4. Regent means the Regent of Lebak.
5. Regional Apparatus means elements that assist the Regent and the Regional House of Representatives in administering government affairs which become the authority of the Region.
6. Health Office of the Regency of Lebak, hereinafter referred to as the Office, means a Regional Apparatus that carries out government affairs in the field of health.
7. Cigarette means one of the Tobacco Products intended to be burned, smoked, and/or inhaled, including clove cigarettes, white cigarettes, cigars, e-cigarettes, or other forms produced from the plants *nicotiana tabacum*, *nicotiana rustica*, and other species, or their synthetics whose smoke contains nicotine and tar, with or without additives.
8. Smoking means the activity of burning, smoking, and/or inhaling Cigarettes.
9. Smoke-Free Area (*Kawasan Tanpa Rokok*), hereinafter abbreviated as KTR, means areas that are declared prohibited for smoking activities or the activities of producing, selling, advertising, and/or promoting tobacco products.
10. Designated Smoking Area means a space which is dedicated to smoking activities in KTR.
11. Health Care Facility means equipment and / or a place which is used to conduct health care services whether of a promotional, preventive, curative or rehabilitative nature

undertaken by the government, local government and/ or the public.

12. Workplace means any room or enclosed or open area, whether mobile or stationary, or where workers enter for the needs of a business and where there is to be found a source or sources of danger.
13. Educational Facilities means buildings used for the activities of studying, teaching, education and / or training.
14. Children's Play Areas means closed or open areas used for children's play activities.
15. Places of Worship means buildings or closed spaces that have certain characteristics that are specifically used for worship by followers of each religion on a permanent basis, excluding family places of worship.
16. Public Transport means transport for the public which can be in the forms of land, water or air vehicles.
17. Public Places mean all enclosed places that can be accessed by the general public and/or places that can be utilized jointly for the public activities managed by the Local Government, the private sector, and the public.
18. Sports Facilities means places used to organize sports activities.
19. Any person means an individual.
20. Entity means a group of people and/or capital which constitutes a unit, whether carrying out business or not carrying out business, which includes limited liability companies, *Commanditaire Vennotschaap*, other companies, or local-owned enterprises, with any name and in whatever forms, firms, kongsi, cooperatives, associations, foundations, mass organizations, socio-political organizations or similar organizations, institutions and pensions, permanent business forms, and other forms of entities.
21. Health means a state of physical, mental, social and cultural well-being that enables everyone to live a productive life socially and economically.

22. KTR Administrator means a person and/or agency that because of its position leads and / or is responsible for activities and / or businesses in a place or area designated as KTR, owned by either the Local Government or the private sector.
23. KTR Enforcement Task Force, hereinafter referred to as KTR Task Force, means a task force formed to enforce and supervise KTR.

CHAPTER II ESTABLISHMENT OF KTR

Article 2

- (1) Local Government is obligated to determines KTR in the Region.
- (2) KTR as referred to in section (1) consist of:
 - a. Health Care Facilities;
 - b. Educational Facilities;
 - c. Children's Play Areas;
 - d. Places of Worship;
 - e. Public Transportations;
 - f. Workplaces;
 - g. Public Spaces; and
 - h. Sports Facilities.
- (3) In addition to the KTR as referred to in section (2), Local Government may determine the KTR by a Regent Decision.
- (4) The KTR Administrators as referred to in section (1) are obligated to implement KTR.
- (5) The KTR boundary at the place as referred to in section (2) applies up to the fence or outermost boundary.

Article 3

The Health Care Facilities as referred to in Article 2 section (2) point a, include:

- a. hospitals;
- b. maternity hospitals;
- c. clinics;

- d. polyclinics;
- e. community health centers;
- f. treatment centers;
- g. integrated service posts;
- h. private health practices;
- i. pharmacies; and
- j. health laboratories.

Article 4

The Educational Facilities as referred to in Article 2 section (2) point b, include:

- a. Schools;
- b. job training centers;
- c. tuition centers; and
- d. course places

Article 5

Children's Play Areas as referred to in Article 2 section (2) point c, include:

- a. children playgrounds;
- b. daycares; and
- c. open spaces with children's facilities.

Article 6

Place of Worships as referred to in Article 2 section (2) point d include:

- a. mosque or prayer rooms;
- b. temples;
- c. churches;
- d. shrines; and
- e. pagoda.

Article 7

Public Transportations as referred to in Article 2 section (2) point e, includes:

- a. public buses;
- b. trains;

- c. city transports;
- d. rural transportations;
- e. tourist vehicles;
- f. school buses; and
- g. employee buses.

Article 8

The Workplaces as referred to in Article 2 section (2) point f include:

- a. Local Government offices;
- b. state-owned enterprises;
- c. local-owned enterprises;
- d. Government Offices;
- e. private offices; and
- f. industry.

Article 9

The Public Places as referred to in Article 2 section (2) point g, includes:

- a. markets;
- b. shopping centers;
- c. tourist or recreational areas;
- d. hotels;
- e. restaurants;
- f. entertainment areas;
- g. shelters;
- h. public transport terminals; and
- i. salon.

Article 10

Sports facilities as referred to in Article 2 section (2) point h, include;

- a. sports fields;
- b. stadiums;
- c. swimming pools;
- d. gyms; and
- e. fitness and gym centers.

CHAPTER III OBLIGATION

Part One Local Government Obligation

Article 11

- (1) The Local Government in the implementation of KTR is obligated to:
 - a. collect data and information about KTR in the Region;
 - b. providing education about the dangers of smoking for the public;
 - c. conducting dissemination of legislation relating to KTR;
 - d. providing counselling facilities for smoking cessation; and
 - e. conducting monitoring and evaluation of the implementation of KTR.
- (2) The obligation as referred to in section (2) conducting by the relevant Office and Regional Apparatus.

Part Two Obligation of KTR Administrators

Paragraph 1 General

Article 12

- (1) The KTR Administrators as referred to in Article 2 section (3) are obligated to:
 - a. conduct internal supervision of the KTR under their respective responsibility;
 - b. prohibit all people who smoke in the KTR under their responsibility; and
 - c. provide facilities and infrastructure in the KTR under their responsibility.
- (2) Provision of the facilities and infrastructure as referred to in section (1) point c are in the forms of:

- a. installation of no-smoking signs in KTR; and
- b. provision of designated Smoking Areas.

Paragraph 2
Smoking Prohibition Signs

Article 13

- (1) The KTR administrators are obligated to install Smoking prohibition signs in KTR as referred to in Article 12 section (2) point a.
- (2) The smoking prohibition signs as referred to in section (1) are placed at least on:
 - a. main entrance of buildings;
 - b. door of the rooms; and
 - c. strategic places that easy to see and easy to read.
- (3) The Smoking Prohibition Signs as referred to in section (2) are in the forms of writings and/or pictures.

Paragraph 3
Designated Smoking Area

Article 14

- (1) The KTR Administrators in Public Places and Workplaces are obligated to provide Designated Smoking Area as referred to in Article 12 section (2) point b.
- (2) The designated Smoking Areas as referred to in section (1) must meet requirements:
 - a. either open space or directly related to the outside air so that the air can circulate properly;
 - b. separated from the building, the places, the main hall, and/or any other room that is used for the activity;
 - c. away from the entrances and exits;
 - d. there is a warning of the dangers of Smoking;
 - e. there is no advertising, no promotion, no sponsorship of Cigarettes; and
 - f. there are facilities for putting out Cigarettes;

CHAPTER IV PROHIBITION

Article 15

- (1) Any Person is prohibited from Smoking in the KTR areas.
- (2) Any Person is prohibited from removing, covering, concealing, and/or damaging the no Smoking signs as referred to in Article 13 section (2).

Article 16

Any Person or Entity is prohibited from advertising, promoting, selling, and/or purchasing Cigarettes in KTR as referred to in Article 2 section (2).

Article 17

Every organizer of activities sponsored by Cigarette companies is prohibited from involving children under the age of 18 (eighteen) years.

Article 18

The KTR Administrators in Health Care Facilities, Educational Facilities, Children's Play Areas, Places of Worship, Public Transportations, Workplaces, Public Spaces, and Sports Facilities are prohibited from providing a Designated Smoking Area.

CHAPTER V PUBLIC PARTICIPATION

Article 19

- (1) The public can participate in the implementation of KTR.
- (2) Public participation as referred to in section (1) can be carried out by:
 - a. giving suggestions, opinions, and input to the Local Government regarding the policy of in the implementation of KTR;

- b. giving guidance, counselling and disseminating information about KTR;
- c. create a smoke-free environment at home and in the neighbourhoods;
- d. remind Any Person not to violate the prohibition of smoking, producing, selling, advertising, and/or promoting Cigarettes in KTR; and
- e. report any violation of the prohibition of Smoking, producing, selling, advertising, and/or promoting Cigarettes in KTR to the KTR Administrators and the Regional Apparatus carrying out government affairs in the field of public order.

CHAPTER VI GUIDANCE AND SUPERVISION

Article 20

- (1) The Regent carries out guidance and supervision on the implementation of KTR.
- (2) The Regent, in carrying out guidance and supervision as referred to in section (1), forms a KTR Task Force.
- (3) The KTR Task Force as referred to in section (2) consist of elements of Regional Apparatus that carry out governmental affairs in the fields of:
 - a. health;
 - b. education;
 - c. social;
 - d. transportation;
 - e. manpower;
 - f. tourism;
 - g. industry and trade;
 - h. public order; and
 - i. youth and sport;
- (4) The establishment, membership, and responsibilities of the KTR Task Force as referred to in section (3) are stipulated by a Regent Decision.

Article 21

- (1) The KTR Task Force as referred to in Article 20 section (2) submits a written report on the results of guidance and supervisions to the Regent through the Regional Secretary.
- (2) The report as referred to in section (1) is submitted at least once a year.

CHAPTER VII

ADMINISTRATIVE SANCTIONS

Article 22

- (1) The KTR Administrators who fail to fulfil the obligation as referred to in Article 12 section (1), Article 13 section (1), Article 14 section (1), and Article 18 is subject to fine for a maximum of Rp.5.000.000,00 (five million rupiah).
- (2) Any Person who smokes in KTR areas as referred to in Article 15 section (1) is subject to fine for a maximum of Rp.500.000,00 (five hundred thousand rupiah).
- (3) Any Person who violates the provisions as referred to in Article 16 is subject to fine for a maximum of Rp500.000,00 (five hundred thousand rupiah).
- (4) Any Entity that violates the provisions as referred to in Article 16 is subject to fine for a maximum of Rp5.000.000,00 (five million rupiah).
- (5) Any event organizer who violates the provisions as referred to in Article 17 is subject to fine for a maximum of Rp25.000.000,00 (twenty-five million rupiah).

CHAPTER VIII

CLOSING PROVISIONS

Article 23

At the time this Regional Regulation comes into force, the provisions of Article 26 and Article 51 section (1) Number 22 of Regional Regulation Number 17 of 2006 on Administration of Order, Cleanliness, and Beauty (Regional Gazette of the Regency of Lebak of 2006 Number 17 Serie E), are repealed and declared ineffective.

Article 24

This Regional Regulation comes into force on 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 Lebak.

Issued in Rangkasbitung
on 31 July 2023
REGENT OF LEBAK

signed

ITI OCTAVIA JAYABAYA

Promulgated in Rangkasbitung
on 31 July 2023
REGIONAL SECRETARY OF THE REGENCY OF LEBAK

signed

BUDI SANTOSO

Jakarta, 21 November 2025
Has been translated as an Official Translation
on behalf of the Minister of Law
of the Republic of Indonesia
DIRECTOR GENERAL OF LEGISLATION,



DHAHANA PUTRA

ELUCIDATION
OF
REGULATION OF THE REGENCY OF LEBAK
NUMBER 3 OF 2023
ON
SMOKE-FREE AREA

I. GENERAL

Cigarettes contain highly addictive substance that extremely harmful to human health. Addictive substances are those that, when consumed by humans, cause addiction or dependence and can trigger various diseases such as heart and blood vessel diseases, stroke, chronic obstructive pulmonary disease, lung cancer, oral cancer, impotence, as well as pregnancy and fetal abnormalities.

Global tobacco epidemic data shows that tobacco kills more than 5 million people each year. If this continues, it is projected that there will be 10 million deaths from smoking by 2020, with 70% of deaths occurring in developing countries. Indonesia is the seventh largest tobacco-producing country in the world. In terms of the number of smokers, Indonesia is the third largest in the world after China and India. The prevalence of smoking among adults (aged 15 and over) in 2007 was 33.08%. The 2006 Global Youth Tobacco Survey (GYTS) Indonesia reported that more than 37.3% of students aged 13-15 had a smoking habit.

Cigarette smoke not only harms smokers, but also those around them (passive smokers). Cigarette smoke consists of mainstream smoke, which contains 25% of harmful substances, and side stream smoke, which contains 75% of harmful substances. Cigarette smoke contains over 4,000 chemical compounds. About 400 of these are toxic (harmful) substances and 69 are classified as cancer-causing (carcinogenic).

Second-hand smoke is a complex mixture of gases and tiny particles released when tobacco is burned. It's harmful to non-smokers who breathe in the smoke exhaled by smokers. In fact, passive smokers face similar health risks to smokers themselves. Benzo(a)pyrene, a carcinogen found in cigarette smoke,

is a major contributor to cancer. It is commonly found in people who don't smoke but are frequently exposed to second-hand smoke.

There is no safe level of exposure to second-hand smoke. The dangers of second-hand smoke also extend to unborn babies of smoking mothers and to people who are in rooms where cigarette smoke has been left behind. The immediate effects of exposure to second-hand smoke include coughing, sneezing, shortness of breath, and dizziness. Long-term effects can lead to serious health problems. The health effects of second-hand smoke on adults include heart and blood vessel disease, lung and breast cancer, and various respiratory diseases. Women who live with smokers have a higher risk of developing breast cancer. Second-hand smoke can trigger asthma attacks and cause asthma in healthy people. Pregnant women who smoke during pregnancy will affect fetal growth, leading to low birth weight, premature birth, and death.

Babies and children of smokers who are exposed to second-hand smoke will suffer from sudden infant death syndrome, lower respiratory tract infections (LRTI), asthma, bronchitis, and middle ear infections that can lead to hearing loss. They will also suffer from impaired lung function growth, which can lead to various lung diseases in adulthood. Children of smokers have a higher risk of experiencing learning difficulties, behavioural problems such as hyperactivity, and decreased concentration compared to children whose parents do not smoke.

In addition to health impacts, second-hand smoke can also have economic consequences for individuals, families, and society due to lost income from illness and inability to work, as well as increased medical expenses and treatment costs.

Health is a fundamental human right. The right of non-smokers to a healthy environment, including free from pollution and health risks posed by second-hand smoke, must be protected. Similarly, active smokers need to be made aware of the health risks of smoking, both to themselves and to those around them.

Law Number 36 of 2009 on Health mandates Local Governments to regulate the designation of Smoke-Free areas. This regulation aims to prevent and mitigate the negative impacts of second-hand smoke. Article 115 point 2 stipulates that local governments are obligated to designate smoke-free areas within their jurisdiction. Smoke-free areas include: health service facilities, educational institutions, children's playgrounds, places of worship, public transportation, workplaces, public places, and other designated areas. The concept of this regulation is to prohibit smoking, tobacco advertising, and

tobacco sales in the aforementioned smoke-free area, except in public places, where the sale of cigarettes is still permitted.

Smoke-free area are the responsibility of all components of the nation, including individuals, communities, government and non-governmental institutions, to protect the rights of current and future generations to health and a healthy environment. A joint commitment across sectors and various elements will have a significant impact on the success of smoke-free areas.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

Sufficiently clear.

Article 3

Sufficiently clear.

Article 4

Point a

Schools include:

- a. Elementary School/MI;
- b. Junior High School/Skh/MTs;
- c. Senior High School/Vocational School/Skh/MA;
- d. University;
- e. Islamic Boarding School;
- f. Early Childhood Education and Development (PAUD); and
- g. Kindergarten (TK).

Article 5

Sufficiently clear.

Article 6

Sufficiently clear.

Article 7

Sufficiently clear.

Article 8

Sufficiently clear.

Article 9

Sufficiently clear.

Article 10

Sufficiently clear.

Article 11

Sufficiently clear.

Article 12

Sufficiently clear.

Article 13

Sufficiently clear.

Article 14

Sufficiently clear.

Article 15

Sufficiently clear.

Article 16

Sufficiently clear.

Article 17

Sufficiently clear.

Article 18

Sufficiently clear.

Article 19

Sufficiently clear.

Article 20

Sufficiently clear.

Article 21

Sufficiently clear.

Article 22

Sufficiently clear.

Article 23

Sufficiently clear.

Article 24

Sufficiently clear.

SUPPLEMENT TO THE REGIONAL GAZETTE OF THE REGENCY OF LEBAK
NUMBER 20233