

REGULATION OF THE MUNICIPALITY OF YOGYAKARTA
NUMBER 2 OF 2017
ON
SMOKE-FREE AREA

BY THE BLESSINGS OF ALMIGHTY GOD

MAYOR OF YOGYAKARTA,

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 issue a Regional Regulation on Smoke-Free Area;

Observing : 1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;

2. Law Number 16 of 1950 on Establishment of Large City Regions within the Province of East Java, Central Java, West Java, and the Special Region of Yogyakarta (State Gazette of the Republic of Indonesia of 1955 Number 53, Supplement to the State Gazette of the Republic of Indonesia Number 859)

3. 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);

4. 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 Indonesia Number 5587) as amended several times last by the Law Number 9 of 2015 on the 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);

5. 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 MUNICIPALITY OF
YOGYAKARTA
And
THE MAYOR OF YOGYAKARTA

HAS DECIDED:

To issue : REGIONAL REGULATION ON SMOKE-FREE AREA

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Regional Regulation:

1. 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.
2. Designated Smoking Area means a space which is dedicated to smoking activities in KTR.
3. 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.
4. Health means a state of physical, mental, social and cultural well-being that enables everyone to live a productive life socially and economically.
5. 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.
6. Place of teaching-learning process means a place that is used for learning, teaching, education and/or training activities, both formal and non-formal.
7. Children's play area means a place designated for children's activities.
8. Place of worship means a place used for worship by adherents of religions and beliefs.
9. Public transportation means transportation that is shared by the public using both machines and non-machines.
10. Public places mean all places that can be accessed by the community or places that are utilized together for community activities.
11. Workplace means any closed or open place or building that is movable and/or immovable used for work.
12. Manager or Person in Charge of KTR means a person who because of his/her position manages and/or is responsible for activities in KTR.
13. Regional Apparatus means a supporting element of the regional head and DPRD (the Regional House of

Representatives) in the implementation of Government Affairs which fall under the authority of the Region.

14. Region means the Municipality of Yogyakarta.
15. Local Government means the Mayor as the administering element of the local governance who leads the implementation of the government affairs which becomes the authority of the autonomous region.
16. Mayor means the Mayor of Yogyakarta.

Article 2

This Regional Regulation is based on the principles of:

- a. Public interest;
- b. Accountability;
- c. Justice;
- d. Public participation;
- e. Enforceability; and
- f. Efficiency and effectiveness.

Article 3

The purpose of this Regional Regulation is to:

- a. protect the health of individuals, families, communities and the environment from the dangers of materials containing carcinogens and addictive substances in smoking products which can cause illness, death and reduce the quality of life;
- b. protect the population of productive age, children, teenagers and pregnant women from environmental encouragement and the influence of advertising and promotion for the initiation of use of and dependence on materials containing addictive substances in the form of Cigarette products;
- c. increase public awareness and alertness to the dangers of smoking and the benefits of living without smoking; and
- d. protect public health from other people's smoke of Cigarette.

CHAPTER II

Implementation of KTR

Article 4

The implementation of KTR includes:

- a. health care facilities;
- b. place for the teaching-learning process;
- c. children's play area;
- d. places of worship;
- e. public transportation;
- f. workplace; and
- g. public places and other designated places.

Article 5

Health care facilities as referred to in Article 4 point a include:

- a. hospital;
- b. clinic;

- c. Community Health Center (Puskesmas);
- d. Integrated Service Post (Posyandu);
- e. place of health practice;
- f. pharmacies; and
- g. drug stores.

Article 6

The place of teaching and learning process as referred to in Article 4 point b includes:

- a. schools;
- b. higher education institutions;
- c. education and training centers;
- d. vocational training centers;
- e. places of tutoring;
- f. course centers; and
- g. Early Childhood Education (PAUD) buildings and areas.

Article 7

Children's play area as referred to in Article 4 point c includes:

- a. children's playground; and
- b. daycare.

Article 8

Place of worship as referred to in Article 4 point d includes:

- a. mosque;
- b. mushalla;
- c. langgar;
- d. church;
- e. chapel;
- f. temple;
- g. vihara; and
- h. Buddhist's temple.

Article 9

Public Transportation as referred to in Article 4 point e includes:

- a. public bus;
- b. taxi;
- c. tourist vehicle;
- d. school Bus; and
- e. employee shuttles.

Article 10

Working Place as referred to in Article 4 point f includes:

- a. government offices;
- b. private offices; and
- c. industries/factories.

Article 11

Government offices as referred to in Article 10 point a include Local Government offices, Yogyakarta Special Region Government and Central Government offices in the Region.

Article 12

Personal/private offices as referred to in Article 10 point b, are excluded as KTR if:

- a. not performing public services; and/or
- b. there are no other people who feel disturbed by smoking activities.

Article 13

Industries/factories as referred to in Article 10 point c, excluded as KTR are factories that produce cigarettes.

Article 14

Public places as referred to in Article 4 point g include:

- a. tourist attractions;
- b. recreation and entertainment venues;
- c. hotels;
- d. restaurants;
- e. canteen;
- f. bus stop;
- g. passenger transportation terminal;
- h. train station;
- i. indoor sports facilities/enclosed buildings; and
- j. shopping centers.

Article 15

Recreation and entertainment venues as referred to in Article 13 point b consist of:

- a. amusement arcade;
- b. movie theaters;
- c. performing arts venues; and
- d. other places of entertainment and recreation activities aimed at commercial tourism.

CHAPTER III RESPONSIBILITIES AND OBLIGATIONS

Part One

Local Government Responsibilities and Obligations

Article 16

- (1) The Regional Apparatus that administers affairs in the health sector is responsible for implementing the determination of KTR.
- (2) The Regional Apparatus as referred to in section (1) is obligated to follow up the determination of KTR, with:

- a. collecting data and information about KTR in the Region;
- b. conducting education about the dangers of smoking for the community;
- c. conducting dissemination of legislation relating to KTR;
- d. monitoring and evaluating the implementation of KTR; and
- e. carry out guidance and supervision of the implementation of KTR provisions.

Part Two

Responsibilities and Obligations of the KTR Manager or Person in Charge

Article 17

- (1) The manager or person in charge of the KTR is obligated to:
 - a. display a KTR notice board containing a sign prohibiting from smoking, prohibiting from advertising tobacco products and prohibiting from the sale of tobacco products;
 - b. not provide ashtrays in KTR;
 - c. conduct monitoring and evaluation of the implementation of KTR;
 - d. display signs, writings and/or pictures about the dangers of smoking; and
 - e. supervise the place and/or location under his/her responsibility and report the results of supervision to the regional apparatus that administers government affairs in the health sector every 6 (six) months.
- (2) The manager or person in charge of KTR in workplaces and public places as referred to in Article 4 point f and point g are obligated to provide a designated smoking area.
- (3) The designated smoking area as referred to in section (2) must fulfill the following requirements:
 - a. It is an open space that is directly connected to the outside air so that the air can circulate properly;
 - b. separated from the main building or other space used for activities and on the same site;
 - c. away from entrances and exits; and
 - d. away from where people pass by.
- (4) Examples of smoking prohibition signs as referred to in section (1) point b are listed in the Annex which is an integral part of this Regional Regulation.

Article 18

- (1) The manager or person in charge of KTR who does not implement the provisions as referred to in Article 17 section (1) and section (2) is subject to administrative sanctions in the form of:
 - a. verbal warning;
 - b. written warning; and/or
 - c. being published.

- (2) Further provisions regarding the procedures for the imposition of administrative sanctions as referred to in section (1) are regulated in a Mayor Regulation.

CHAPTER IV GUIDANCE AND SUPERVISION

Part One Guidance

Article 19

- (1) The Regional Apparatus that administers affairs in the health sector carries out guidance by means of:
 - a. publishing information and dissemination in order to develop the ability of the community to behave in a healthy manner;
 - b. coordination and cooperation with all government, non-government and non-profit institutions;
 - c. providing guidelines for the implementation of KTR; and
 - d. following up the results of monitoring and evaluation of KTR implementation.
- (2) Every person who violates the provisions of the KTR is subject to guidance.
- (3) Further provisions regarding the guidance as referred to in section (1) and section (2) are regulated in a Mayor Regulation.

Part Two Supervision

Article 20

- (1) In carrying out supervision, the regional apparatus that administers government affairs in the health sector may coordinate with related regional apparatus.
- (2) Supervision as referred to in section (1) is reported to the Mayor through the Regional Secretary every 6 (six) months.
- (3) Further provisions regarding the procedures for supervising KTR as referred to in section (1) are regulated in a Mayoral Regulation.

CHAPTER V COMMUNITY PARTICIPATION

Article 21

Community participation can take the form of:

- a. providing suggestions, opinions and considerations regarding the monitoring and implementation of KTR policies;
- b. providing guidance and counselling as well as publishing information about KTR;
- c. establishing a smoke-free environment in their homes and neighbourhoods;
- d. reminding everyone not to violate the prohibition of smoking, producing, selling, advertising and/or promoting cigarettes in KTR.

- e. reporting any violations of the prohibition of smoking, producing, selling, advertising and/or promoting cigarettes in KTR to the manager, leader, person in charge of KTR and the Regional Apparatus that has the main tasks and functions in the affairs of order.

CHAPTER VI PROHIBITION

Article 22

- (1) Every person, entity and/or manager/person in charge of KTR is prohibited from smoking, producing, selling, advertising and/or promoting cigarettes in KTR.
- (2) The prohibition on selling cigarettes as referred to in section (1) is exempted from the sale of cigarettes in markets, passenger terminals, train stations, tourist attractions, workplace canteens and hotels.
- (3) The prohibition on promoting cigarettes as referred to in section (1) is exempted from cigarette promotion activities in indoor sports facilities/closed buildings.
- (4) Every person and/or entity is prohibited from selling cigarettes to children under the age of 18 (eighteen) years.

Article 23

Every person is prohibited from smoking outside the KTR as referred to in Article 4 if there are pregnant women and children.

CHAPTER VII INVESTIGATION

Article 24

- (1) In addition to the Investigators of the Indonesian National Police, Civil Servant Investigators within the Local Government are authorized to conduct investigations into violations of the criminal provisions regulated in this Regional Regulation.
- (2) In carrying out the task of investigation, the investigator as referred to in section (1) is guided by the provisions of legislation.

CHAPTER VIII CRIMINAL PROVISIONS

Article 25

- (1) Every person, entity and/or Manager/Person in charge of KTR who violates the provisions as referred to in Article 22 shall be sentenced to a maximum imprisonment of 1 (one) month or a maximum fine of Rp.7,500,000.00 (seven million five hundred thousand rupiah).
- (2) The manager or person in charge of KTR in workplaces and public places that do not provide designated smoking areas as referred to in Article 17 section (2) shall be sentenced to a maximum imprisonment of 1 (one) month or a maximum

fine of Rp.7,500,000.00 (seven million five hundred thousand rupiah).

- (3) Criminal Acts as referred to in section (1) and section (2) are Violations.
- (4) The fines as referred to in section (1) and section (2) shall be deposited into the State Treasury.

CHAPTER IX CLOSING PROVISIONS

Article 26

When this Regional Regulation comes into force, all legislation in the Region relating to smoke-free areas are declared effective as long as they have not been replaced and do not conflict with the provisions in this Regional Regulation.

Article 27

This Regional Regulation comes into force after 1 (one) year from the date of 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 Municipality of Yogyakarta.

Issued in Yogyakarta
on 20 March 2017

MAYOR OF YOGYAKARTA,

signed

SULISTIYO

Promulgated in Yogyakarta
on 20 March 2017

SECRETARY OF MUNICIPALITY OF YOGYAKARTA,

signed

TITIK SULASTRI

REGIONAL GAZETTE OF THE MUNICIPALITY OF YOGYAKARTA OF 2017
NUMBER 2

Jakarta, 25 November 2025
Has been translated as an Official Translation
on behalf of Minister of Law
of the Republic of Indonesia
DIRECTOR GENERAL OF LEGISLATION,



ELUCIDATION
OF
REGULATION OF THE MUNICIPALITY OF YOGYAKARTA
NUMBER 2 OF 2017
ON
SMOKE-FREE AREA

I. GENERAL

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

Tobacco epidemic data in the world estimates that tobacco kills more than 5 million people each year. If this continues it is projected that there will be 10 million deaths due to smoking by 2020, with 70% of deaths occurring in developing countries. Indonesia is the 7th largest country in the world that produces tobacco. In terms of the number of smokers, Indonesia is the 3rd largest country in the world after China and India. The prevalence of smoking among adults (15 years and over) in 2007 was 33.08%. Indonesia's Global Youth Tobacco Survey (GYTS) in 2006 reported that more than 37.3% of 13-15 year old students had a smoking habit.

Cigarette smoke not only harms smokers, but also other people who are around smokers (passive smokers). Cigarette smoke consists of main stream smoke, which contains 25% harmful substances, and side stream smoke, which contains 75% harmful substances. Cigarette smoke contains more than 4,000 types of chemical compounds. About 400 of them are toxic (harmful) substances and 69 types are classified as cancer-causing substances (carcinogenic).

Secondhand smoke is a very complex substance containing a mixture of gases and fine particles released from burning cigarettes. Secondhand smoke is particularly harmful to non-smokers who inhale secondhand smoke. Passive smokers bear the same high risk as people who smoke. The carcinogen Benzo (A) Pyrene 14 is one of the ingredients in cigarette smoke, which is a cancer-causing substance. This substance is found in many people who are not active smokers, but their lives are close to active smokers.

The dangers of secondhand smoke are also faced by babies in the womb of mothers who smoke and people who are in a room with secondhand smoke that has been left behind by smokers. The immediate effects of being exposed to secondhand smoke are coughing, sneezing or dizziness. Long-term effects will lead to serious health problems. The health effects of secondhand smoke on adults include the potential to cause heart and blood vessel disease, lung and breast cancer, and various respiratory diseases. Women who live with someone who smokes have a high risk of developing breast cancer. Secondhand smoke will trigger asthma attacks and cause asthma in healthy people. Pregnant women

who smoke during pregnancy will affect the growth of the baby causing LBW, premature birth, and death.

Babies and children of smokers who are exposed to secondhand smoke can potentially suffer from sudden infant death syndrome, lower respiratory tract infections, asthma, bronchitis, and middle ear infections that can lead to hearing loss. They will also suffer from retarded growth of lung function, which will lead to various lung diseases as adults. Children of smokers have a greater risk of learning difficulties, behavioral problems such as hyperactivity and decreased concentration than children whose parents do not smoke.

In addition to the health impacts of secondhand smoke, it will also have an economic impact on individuals, families and communities due to loss of income due to illness and inability to work, expenditure on medicine and treatment costs.

Health is a human right of every person. The human rights of smokers and non-smokers to a healthy living environment, including clean from contamination and health risks from cigarette smoke. Likewise, active smokers need to be given an understanding that smoking has the potential to damage the health of themselves and others around them.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear

Article 2

Point a

The term “the principle of public interest” means the principle that prioritizes public welfare in an aspirational, accommodative, and selective manner.

Point b

The term “the principle of accountability” means the principle that determines that every activity and the final result of the activities of state administrators must be accountable to the community or the people as the highest sovereignty holders of the state in accordance with the provisions of legislation.

Point c

The term “the principle of justice” means that every action in the administration of the state must reflect justice proportionally for every citizen.

Point d

The term “the principle of public participation” means that every drafting of legislation must consider and fulfill the right to public participation.

Point e

The term “the principle of enforceability” means that every Legislation Making must take into account the effectiveness of the Legislation in community, both philosophically, sociologically, and juridically.

Point f

The term “the principle of efficiency and effectiveness” means that every Legislation is made because it is really needed and useful in regulating the life of society, nation, and state.

Article 3
Sufficiently clear

Article 4
Sufficiently clear

Article 5
Sufficiently clear

Article 6
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Article 7
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Article 8
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Article 9
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Article 23

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Article 24

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Article 25

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Article 26

Sufficiently clear

Article 27

Sufficiently clear

Article 28

Sufficiently clear

ANNEX TO
REGULATION OF THE MUNICIPALITY
OF YOGYAKARTA
NUMBER 2 OF 2017
ON
SMOKE-FREE AREA

NO SMOKING SIGN



ACTING MAYOR OF YOGYAKARTA,

signed

SULISTIYO