

REGULATION OF THE PROVINCE OF EAST JAVA  
NUMBER 4 OF 2024  
ON  
SMOKE-FREE AREAS

BY THE BLESSINGS OF ALMIGHTY GOD

GOVERNOR OF EAST JAVA

Considering: that in order to implement the provisions of Article 151, section (2) of Law Number 17 of 2023 on Health and Article 443 section (1) of Government Regulation Number 28 of 2024 on the Implementation of Law Number 17 of 2023 on 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 12 2023 on East Java Province (State Gazette of the Republic of Indonesia of 2023 Number 59, Supplement to the State Gazette of the Republic of Indonesia Number 6868);
3. Law Number 12 of 2011 on Legislation Making (State Gazette of 2011, Number 82, Supplement to the State Gazette Number 5234), as amended several times, last by Law Number 13 of 2022 on the Second Amendment to Law Number 12 of 2011 on Legislation Making (State Gazette of the Republic of Indonesia 2022, Number 143, Supplement to the State Gazette of the Republic of Indonesia Number 6801);
4. Law Number 23 of 2014 on Local Governance (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 (State Gazette of Indonesia 2023, Number 41, Supplement to the Gazette of the Republic of Indonesia Number 6856);

5. Law Number 17 of 2023 on Health (State Gazette of the Republic of Indonesia 2023 Number 105, Supplement to the State Gazette of the Republic of Indonesia Number 6887);
6. Government Regulation Number 28 of 2024 on the Implementation of Law Number 17 of 2023 on Health (State Gazette of the Republic of Indonesia of 2024 Number 135, Supplement to the State Gazette of the Republic of Indonesia Number 6952);
7. Joint Regulation of the Ministry of Health and the Ministry of Home Affairs Number 188/Menkes/PB/I/2011 and Number 7 of 2011 on Guidelines for the Implementation of Smoke-Free Areas
8. Regulation of the Ministry of Home Affairs Number 80 of 2015 on Regional Legislation Making (State Gazette of the Republic of Indonesia 2015 Number 2036) as amended by Regulation of the Ministry Home Affairs Number 120 of 2018 on Amendment to Regulation of the Ministry of Home Affairs Number 80 of 2015 on Regional Legislation Making (State Bulletin of the Republic of Indonesia 2018, Number 157);
9. Regulation of the Province of East Java Number 13 of 2018 on Regional Legislation Making (Regional Gazette of East Java Province 2018, Number 9, series D, Supplement to the Regional Gazette of East Java Province Number 88), as amended by East Java Regional Regulation Number 13 of 2023 on Amendment to Regulation of the Province of East Java Number 13 of 2018 on Regional Legislation Making (Regional Gazette of the Province of East Java of 2023, Number 2 Series D, Supplement to the Regional Gazette of the Province of East Java Number 118);

With the Joint Approval of  
THE REGIONAL HOUSE OF REPRESENTATIVES OF THE  
PROVINCE OF EAST JAVA  
and  
GOVERNOR OF EAST JAVA

HAS DECIDED:  
To issue: REGIONAL REGULATION IN SMOKE-FREE AREAS.

CHAPTER I  
GENERAL PROVISIONS

Article 1

In this Regional Regulation:

1. Region means the Province of East Java.

2. Provincial Government means the Local Government of the Province of East Java.
3. Governor means the Governor of East Java.
4. Regional Apparatus means the relevant Regional Apparatus within the East Java Provincial Government according to their duties and functions.
5. Regency/Municipality means the Regencies and Municipalities in East Java.
6. Local-Owned Enterprise (*Badan Usaha Milik Daerah*) referred to as BUMD, means a Business Entity Owned by the East Java Province.
7. Smoke-Free Area (*Kawasan Tanpa Rokok*), hereinafter abbreviated to KTR, mean any space or area designated as prohibited for smoking activities or any activities related to selling, producing, advertising in both indoor and outdoor, and promoting tobacco products and electronic cigarettes. Smoking is defined as the act of burning, lighting, inhaling, and/or puffing on tobacco cigarettes or electronic cigarettes.
8. Health means a state of well-being, encompassing physical, mental, spiritual, and social aspects that enables each person to live productively both socially and economically.
9. Tobacco Product means any product wholly or partially made from tobacco leaves as the raw material, processed for use by burning, heating, inhaling, or chewing.
10. Cigarette means a type of tobacco product intended to be burned and smoked and/or inhaled, including cigars, leaf cigarettes, shredded tobacco, solid and liquid tobacco, other processed tobacco products. These are derived from the *nicotiana tabacum*, *nicotiana rustica* plants, or other species or their synthetic forms, with smoke containing nicotine and tar, with or without additional ingredients.
11. Electronic Cigarette means tobacco product in liquid, solid, or other forms derived from the processing of tobacco leaves produced through extraction or other methods in line with technological advancements and consumer preferences without regard to substitute or auxiliary materials used in its production. It is intended for end consumers in retail packaging and is consumed by heating with an electronic heating device and then inhaling.
12. Designated Smoking Area means a specific enclosed space allocated exclusively for smoking activities located within KTR.

13. Health Service Facility means a tool and/or place to provide health services, encompassing promotive, preventive, curative, and rehabilitative efforts.
14. Educational Facility means a building designated for conducting activities related to learning, teaching, and education and/or training.
15. Play Area means an indoor or outdoor space designated to facilitate children activities.
16. Place for Worship is a building or enclosed space with specific characteristics designated for permanent religious worship by adherents of a religion, excluding family worship area.
17. Public Transportation means mode of transport intended for public use which may include land, water, and air vehicles, typically provided in exchange for compensation.
18. Workplace means any enclosed or open space whether mobile or stationary where officials and/or civil servants perform governmental duties or where workers carry out their jobs or where workers are present for business purposes and which contains potential sources of hazards.
19. Public Place means any enclosed space that can be used collectively for community activities, managed by the government, private sector, or the community.
20. Other designated places mean open spaces that can be utilized collectively for community activities.
21. Manager, Organizer, or Person in Charge means any individual who, by virtue of their position, manages, organizes, and/or is responsible for activities and/or operations within areas designated as Smoke-Free Areas (KTR).
22. Business Licensing means the legality granted to business actors to initiate and conduct their business and/or activities.
23. Child means defined as any individual under the age of 18 (eighteen) years, including those still in the womb.
24. Business entity means a business organization engaged in business activities which may be structured as a legal entity or not, operated by private parties and active in specific sectors.
25. Every person means an individual or an entity, whether incorporated or unincorporated.

#### Article 2

This Regional Regulation is intended as a guideline for the Provincial Government in the implementation of KTR in the region.

#### Article 3

The purpose of this Regional Regulation is to:

- a. uphold the constitutional right of the public to have access to a clean, healthy, and smoke-free environment;
- b. provide effective protection for the public from the dangers of cigarettes smoke;
- c. provide effective protection from the dangers of cigarettes smoke for active and/or passive smokers;
- d. protect the productive population, children, adolescents, and pregnant women from environmental influences and dependence on cigarettes and electronic cigarettes;
- e. raise public awareness against the dangers of cigarettes smoke and promote a healthy life free from cigarettes smoke; and
- f. protect the right of the public to smoke in Designated Smoking Areas.

#### Article 4

The scope of this Regional Regulation consists of:

- a. implementation of KTR;
- b. rights and obligations;
- c. coordination;
- d. public participation;
- e. guidance and supervision;
- f. administrative sanctions; and
- g. funding.

### CHAPTER II IMPLEMENTATION OF KTR

#### Article 5

(1) KTR include:

- a. Health Service Facilities;
- b. Educational Facilities;
- c. Children Play Areas;
- d. Place of Worship;
- e. Public Transportation;
- f. Workplaces; and
- g. Public Places and other designated places as specified in this Regional Regulation.

- (2) KTR as referred to in section (1) cover enclosed or open space along with their surroundings up to the outer fence boundary, except for Public Transportation.
- (3) In the event that the KTR, as referred to in section (1) fails to have a fence, the Manager, Organizer, or Person in Charge define the outmost boundaries or the area as the KTR.
- (4) The Governor establishes and implements the KTR as stated in section (1) within the region in accordance with the authority.

#### Article 6

Health Service Facilities as referred to in Article 5 Section (1) point a include Health Service Facilities:

- a. owned by the Provincial Government;
- b. owned by BUMD; and/or
- c. business Licensing of which is issued by the Provincial Government.

#### Article 7

- (1) Educational Facilities, as referred to in Article 5 section (1) point b include:
  - a. secondary education units;
  - b. special education units;
  - c. special education service units; and
  - d. education and training centers.
- (2) Secondary Education Units, as referred to in section (1) point a, consists of:
  - a. Senior High Schools; and
  - b. Vocational High Schools.
- (3) Special education units, as referred to in section (1) point b cover the following levels:
  - a. Early childhood education;
  - b. Primary education; and
  - c. Secondary education.
- (4) Special education service units as referred to in section (1) point c are implemented in secondary education units and special education units for communities in remote areas, and/or affected by natural disasters, social disasters, and those economically disadvantaged.
- (5) Educational Facilities as referred to in section (1) point d refers to a vocational training center.
- (6) Educational Facilities, as referred to in section (1) point a, point b and point c are organized by the Provincial Government and the community.

- (7) Educational Facilities, as referred to in section (1) point d are organized by:
  - a. The Provincial Government; and/or
  - b. BUMD.

#### Article 8

- (1) Children Play Areas, as referred to in Article 5 section (1) point c refers to play area for children.
- (2) Children Play Areas as referred to in section (1) are managed by:
  - a. The Provincial Government; and/or
  - b. BUMD.

#### Article 9

- (1) A Place for Worship, as referred to in Article 5 section (1) point d includes:
  - a. mosque/*musholla*;
  - b. church/chapel;
  - c. temple/shrine;
  - d. Buddhist temples; and
  - e. Chinese temples.
- (2) A place for worship, as referred to in section (1) is managed by:
  - a. the Provincial Government;
  - b. BUMD; and/or
  - c. business entities whose business licensing are issued by the Provincial Government.

#### Article 10

Public Transportation as referred to in Article 5 section (1) point e includes Public transportation whose business licensing is issued by the Provincial Government.

#### Article 11

Workplaces as referred to in Article 5 section (1) point f include workplaces owned by;

- a. The Provincial Government;
- b. BUMD; and/or
- c. Business entities whose business licensing are issued by the Provincial Government.

#### Article 12

- (1) Public Places as referred to in Article 5 section (1) point g include:
  - a. tourist attraction areas;
  - b. entertainment and recreational areas;
  - c. accommodations;

- d. food and beverage service;
  - e. tourist transportation;
  - f. water tourism areas;
  - g. spa;
  - h. bus stops;
  - i. public transportation terminals;
  - j. freight terminals;
  - k. ports; and
  - l. airports.
- (2) Other places as referred to in Article 5 section (1) point g refer to sport facilities infrastructure.
- (3) Public Places and other places as referred to in section (1) and section (2) are managed by:
- a. The Provincial Government;
  - b. BUMD; and/or
  - c. Business entities whose business licensing are issued by the Provincial Government.

#### Article 13

- (1) The Managers, Organizers, or Persons in Charge of Workplaces, Public Places, and other places as referred to in Articles 11 and 12 are obligated to provide a Designated Smoking Area.
- (2) The Designated Smoking Area, as referred to in section (1), must be an open space, separated from the main building, located away from pedestrian traffic, and at a distance from entry and exit points.
- (3) The Managers, Organizers, or Persons in Charge, as referred to in section (1), must install signs or notices clearly stating that smoking is prohibited except within the Designated Smoking Area.

#### Article 14

- (1) Every person is prohibited from:
- a. producing;
  - b. distributing or selling;
  - c. advertising;
  - d. promoting; and/or
  - e. using,
- Cigarettes and/or Electronic Cigarettes in KTR.
- (2) The prohibition as referred to in section (1) point a does not apply to places designated for Cigarettes and/or Electronic Cigarettes manufacturing activities within KTR.
- (3) The prohibition as referred to in section (1) point b, point c, and point d do not apply to places designated for Cigarettes and/or Electronic Cigarettes selling activities within KTR.

- (4) The prohibition as referred to in section (1) point e does not apply to designated smoking areas.
- (5) Any person who violates the provisions as referred to in section (1) shall be subject to criminal sanctions in accordance with the provisions of legislation.

#### Article 15

Further provisions regarding the implementation of KTR are regulated in a Governor Regulation.

### CHAPTER III RIGHTS AND OBLIGATIONS

#### Article 16

In the implementation of KTR, Any Person has the rights to:

- a. get clean, healthy, and smoke-free air and environment;
- b. receive accurate and comprehensive information and education about the dangers of cigarettes smoke; and
- c. participate in the implementation of KTR in the region.

#### Article 17

In organizing KTR, Any Person is obligated to:

- a. maintain and preserve clean, healthy, and smoke-free air and environment; and
- b. respect others' rights to be free from the dangers of cigarettes smoke.

#### Article 18

The Manager, Organizer, or Person in Charge in workplaces, public areas, or other designated places are obligated to:

- a. install signs/indicators/warnings of smoking prohibition in KTR;
- b. place signs/indicators of designated areas where smoking is permitted in designated smoking areas; and
- c. provide warnings and/or admonitions to anyone smoking in KTR or outside designated smoking areas.

### CHAPTER IV COORDINATION

#### Article 19

- (1) The Provincial Government carries out coordination with vertical institutions and/or Regency/Municipal Governments.
- (2) Coordination as referred to in section (1) encompasses:
  - a. the formulation of regional policies related to KTR;

- b. prevention and control within KTR;
  - c. guidance and supervision; and
  - d. enforcement of KTR violations.
- (3) Coordination as referred to in section (1) is carried out in accordance with the provisions of legislation.

## CHAPTER V PUBLIC PARTICIPATION

### Article 20

- (1) Public can participate in the implementation of KTR in the region.
- (2) Public participation as referred to in section (1) is carried out in the following forms of:
- a. providing suggestions, proposals, opinions, ideas and considerations in the formulation and/or implementation of policies on KTR in the region;
  - b. organizing, providing assistance, and/or collaborating in research and development activities on Cigarettes and Electronic Cigarettes control for health purposes;
  - c. providing assistance in facilities and infrastructure needed for the implementation of KTR;
  - d. socializing or disseminating information to the public about the dangers of smoking;
  - e. submitting reports or complaints to authorized officials regarding violations of the laws in the implementation of KTR; and
  - f. other forms of participation to the extent not contrary to legislation.
- (3) Public participation as referred to in section (2) may be carried out by:
- a. individuals;
  - b. groups;
  - c. legal entities;
  - d. business entities; and
  - e. institutions/organizations.

## CHAPTER VI GUIDANCE AND SUPERVISION

### Article 21

- (1) The Governor carries out guidance and supervision of the implementation of KTR in accordance with his authority.
- (2) Guidance as referred to in section (1) is carried out in the following forms of:
- a. coordination;

- b. socialization
  - c. consultation;
  - d. prevention activities for beginner smokers and smoking cessation counseling; and/or
  - e. granting awards.
- (3) Supervision as referred to in section (1) is carried out in the following forms of:
- a. monitoring and evaluation;
  - b. summoning the Manager, Organizer, or Person in Charge of KTR; and/or
  - c. field inspections.
- (4) Guidance and supervision as referred to in section (2) and section (3) are technically implemented by Regional Apparatus in accordance with their duties and functions.
- (5) Further provisions related to guidance and supervision are regulated in a Governor Regulation.

#### Article 22

- (1) In order to implement guidance and supervision as referred to in Article 20, the Governor shall establish a KTR Task Force.
- (2) The KTR Task Force as referred to in section (1) consists of members from the following elements:
- a. Regional Apparatus;
  - b. BUMD; and
  - c. Business entities whose business licensing are issued by the Provincial Government.
- (3) The KTR Task Force as referred to in section (1) is established by Governor Decree.

#### Article 23

- (1) The Manager, Organizer, or Responsible Party on KTR as referred to in Article 5 section (1) is obligated to establish KTR Task Force.
- (2) The KTR Task Force as referred to in section (1) performs tasks to carry out internal supervision in the implementation of KTR.

### CHAPTER VII ADMINISTRATIVE SANCTION

#### Article 24

- (1) Any person who violates the provisions as referred to in Article 13 section (1), Article 17, and Article 18 and/or Article 23 section (1) is subject to administrative sanctions.

- (2) Administrative sanctions as referred to in section (1) consist of:
  - a. oral warning;
  - b. written warning;
  - c. temporary suspension of activities;
  - d. permanent cessation of activities;
  - e. administrative fine;
  - f. government coercion;
  - g. temporary revocation of business licensing; and/or
  - h. permanent revocation of business licensing.
- (3) Further provisions regarding the procedures for imposing administrative sanctions as referred to in section (2) are regulated in a Governor Regulation.

## CHAPTER VIII FUNDING

### Article 25

The funding for the implementation of KTR comes from:

- a. Local Budget;
- b. BUMD;
- c. business entities; and
- d. other legal and non-binding sources.

## CHAPTER IX MISCELLANEOUS PROVISIONS

### Article 26

The Designated Smoking Area as referred to in Article 13 section (1) is required to be provided not later than 2 (two) years after this Regional Regulation is promulgated.

## CHAPTER X CLOSING PROVISIONS

### Article 27

- (1) The Governor Regulation as the implementation of this Regional Regulation is established not later than 6 (six) months after the promulgation of this Regional Regulation.
- (2) The Regional Apparatus responsible for government affairs in the health sector is accountable for proposing the substantive material content of the Governor Regulation as referred to in section (1).
- (3) The material content as referred to in section (2) is submitted to the Legal Bureau of the Regional Secretariat to be drafted into the Governor Regulation.

Article 28

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 Province of East Java.

Issued in Surabaya  
on 9 September 2024

ACTING GOVERNOR OF EAST JAVA,

signed

ADHY KARYONO

Promulgated in Surabaya

on 9 September 2024

ACTING REGIONAL SECRETARY OF THE PROVINCE OF EAST JAVA,

signed

BOBBY SOEMIARSONO

REGIONAL GAZETTE OF THE PROVINCE OF EAST JAVA OF 2024 NUMBER 3  
SERIES D.

Has been translated as an Official Translation

on behalf of Minister of Law

of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,

DHAHANA PUTRA