

JOINT REGULATION OF  
THE MINISTER FOR HEALTH  
AND THE MINISTER FOR HOME AFFAIRS

NUMBER 188/MENKES/PB/I/2011  
NUMBER 7 OF 2011

CONCERNING

GUIDELINES FOR THE IMPLEMENTATION OF NO SMOKING AREAS

BY THE GRACE OF GOD ALMIGHTY

THE MINISTER FOR HEALTH AND THE MINISTER FOR HOME AFFAIRS

Considering :

- a. that cigarette smoke is proven to be able to cause danger to the health of individuals, communities, and the environment, such that it is necessary to take protective measures against exposure to cigarette smoke;
- b. that in order to protect individuals, society, and the environment from exposure to tobacco smoke, regional governments need to determine No Smoking Areas;
- c. that based on the considerations set out in letters a and b (above), it is necessary to determine a Joint Regulation of the Minister for Health and Minister for Home Affairs concerning Guidelines for the Implementation of No Smoking Areas;

Keeping in Mind:

1. Law Number 32 of 2004 on Regional Government (National Gazette of the Republic of Indonesia 2004 Number 125, Supplement to the National Gazette of the Republic of Indonesia Number 4437) as amended several times, most recently by Law No. 12 of 2008 concerning a Second Amendment to Law Number 32 of 2004 on Regional Government (National Gazette of the Republic of Indonesia Year 2008 Number 59, Supplement to the National Gazette of the Republic of Indonesia Number 4844);
2. Law Number 39 of 2008 concerning State Ministries (National Gazette of the Republic of Indonesia 2008 Number 166, Supplement to National Gazette of the Republic of Indonesia Number 4916);
3. Law No. 36 of 2009 on Health (National Gazette of the Republic of Indonesia 2009 Number 144, Supplement to National Gazette of the Republic of Indonesia Number 5063);
4. Government Regulation Number 41 of 1999 on Air Pollution Control (National Gazette of the Republic of Indonesia 1999 Number 86, Supplement to the National Gazette of the Republic of Indonesia Number 3853);
5. Government Regulation Number 19 of 2003 on Safety Measures with regard to Cigarettes in the Interests of Health <sup>1</sup> (National Gazette of the Republic of Indonesia Year 2003 Number 186, Supplement to National Gazette of the Republic of Indonesia Number 3971);

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<sup>1</sup> Translator's note: The Indonesian phrase "Pengamanan Rokok Bagi Kesehatan" is hard to translate in a direct and simplistic way into English. My translation here i.e. "Safety Measures with regard to Cigarettes in the Interests of Health" may seem ungainly and wordy but at least it avoids the ambiguity and imprecision of other translations that come to mind, such as "Safeguarding Cigarettes for Health" or "Control of Cigarettes for Health" etc.

6. Government Regulation No. 38 of 2007 on the Distribution of Governance Responsibilities between the (Central) Government, Provincial Level Regional Government, and Regency/Municipality Regional Government (National Gazette of the Republic of Indonesia 2007 Number 82, Supplement to the National Gazette of the Republic of Indonesia Number 4737);

HAVE DECIDED:

To determine : A JOINT REGULATION OF THE MINISTER FOR HEALTH AND THE MINISTER FOR HOME AFFAIRS ON GUIDELINES FOR THE IMPLEMENTATION OF NO SMOKING AREAS.

CHAPTER I  
GENERAL PROVISIONS

Part One  
Definitions

Article 1

In this Regulation what is meant by:

1. No Smoking Area, hereinafter referred to as KTR (i.e. Kawasan Tanpa Rokok, literally “areas without smokeables”), is a room or area that is declared to be prohibited for the activity of smoking or the activities of production, sale, advertising and / or promotion of tobacco products.
2. Designated Smoking area is a space in a No Smoking Area which is dedicated to smoking activities.
3. Smokeables<sup>2</sup> are any tobacco product which is intended to be burnt, smoked and/or inhaled including clove cigarettes, non-clove cigarettes, cigars or any other form (of smoking product) produced from *Nicotiana tabacum*, *Nicotiana Rustica*, and other species or synthetic substance the smoke of which contains nicotine and tar, with or without additives.
4. Passive smokers are people who do not smoke but who are forced to inhale the cigarette smoke exhaled by smokers.
5. Health Care Facility is 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 (central) government, regional government and/ or the community.
6. Educational facilities are buildings used for the activities of studying, teaching, education and / or training.
7. Children’s play areas are closed or open areas used for children’s play activities.
8. Place of Worship is a building or enclosed space with particular characteristics specially intended for worship by the followers of their respective religions on a permanent basis, and does not include family places of worship.
9. Public transport is transport equipment for the public which can be in the form of land, water or air vehicles usually (provided) for a (monetary) consideration.
10. A workplace is 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.

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<sup>2</sup> Translator’s note: Usually “rokok” is translated as “cigarette” because in practice that is what it most often refers to. But in the context of this kind of regulation it is defined in a broader way equivalent to the somewhat old-fashioned English expression “smokeable”.

11. Public areas are any enclosed spaces which can be accessed by the public and / or which can be used collectively for public activities run by the government, the private sector and the community.
12. Other places are those which are defined as open places which can be collectively used for public/community activities.

Part Two  
Aims

Article 2

The regulation of the implementation of No Smoking Areas is aimed at:

- a. providing a reference standard for local governments for determining No Smoking Areas;
- b. providing effective protection from the dangers of cigarette smoke;
- c. providing a clean and healthy space and environment for the public; and
- d. protecting the public in general from the negative impact of smoking whether directly or indirectly.

CHAPTER II  
THE SCOPE OF NO SMOKING AREAS

Article 3

(1) No smoking areas include:

- a. health care facilities;
- b. educational facilities;
- c. children's play areas;
- d. places of worship;
- e. public transport;
- f. workplaces;
- g. public places, and
- h. other specified places.

(2) The director(s) or the persons in charge of the places referred to in paragraph (1) are obliged to establish and implement No Smoking Areas.

Article 4

No Smoking Areas as intended in Article 3 paragraph (1) letters a, b, c, d, and e are prohibited from providing special places for smoking and represent No Smoking Areas which are smoke-free to their outer perimeter.

Article 5

- (1) No Smoking Areas as referred to in Article 3 paragraph (1) letters f and g can provide areas specifically for smoking.
- (2) A Designated Smoking Area as intended in paragraph (1) must meet the following requirements:
  - a. represent an open space or a space with a direct connection with the outside air such that air can circulate properly;

- b. be separate from the main building / site / rooms and other spaces used for activities;
- c. be away from the entrance and exit, and
- d. be away from where people come and go (or mill about).

#### Article 6

- (1) Further provisions in relation to No Smoking Areas at provincial and regency / city level are arranged by means of provincial level and regency / city level regulations.
- (2) Regional regulations as intended in paragraph (1) shall contain at least :
  - a. regulations concerning No Smoking Areas;
  - b. the role of community participation;
  - c. formation of No Smoking Area enforcement team(s);
  - d. prohibitions and obligations, and
  - e. sanctions.
- (3) The sanctions referred to in paragraph (2) letter e are to be imposed on:
  - a. individuals in the form of minor criminal penalties, and
  - b. legal entities or business entities in the form of administrative sanctions and / or penalties.

### CHAPTER III TASK (ASSIGNMENT)

#### Article 7

- (1) The Minister of Health through the Director General of Disease Control and Environmental Health is responsible for:
  - a. providing information and knowledge about the dangers of smoking for smokers and passive smokers;
  - b. providing quitting smoking counselling;
  - c. providing information and education, and the development of the community's capacity to lead a healthy life;
  - d. providing technical guidance for the provision of Designated Smoking Areas.
- (2) The Secretary for Home Affairs through the Director of Community and Village Empowerment is responsible for:
  - a. encouraging local governments to formulate and implement No Smoking Areas in their respective regions;
  - b. facilitate the preparation and implementation by local governments of provincial and regency / municipality Regional Regulations; and
  - c. empower communities/the public to implement No Smoking Areas.

### CHAPTER IV GUIDANCE AND SUPERVISION

#### Article 8

- (1) The Minister of the Interior is to implement guidance and general supervision and the Minister of Health is to provide guidance and technical supervision in regard to the implementation of the No Smoking Areas.
- (2) Governors are to provide guidance and supervision of the implementation of No Smoking Areas in regencies / municipalities.

- (3) Regents / Mayors are to provide guidance and supervision of the implementation of No Smoking Areas at the village / city ward level.
- (4) In conducting coaching and supervision as intended in paragraph (3), regents / mayors may delegate (responsibilities) to district officers.
- (5) Guidance and supervision as referred to in paragraph (1), paragraph (2), and paragraph (3) are to be achieved through:
  - a. socialization and coordination;
  - b. provision of guidelines;
  - c. consultation;
  - d. monitoring and evaluation, and / or
  - e. awards (recognition).

#### Article 9

The cost of implementing guidance and supervision as intended in Article 8 is charged to the national income and expenditure budget and to the local income and expenditure budgets of provinces (and) regencies / municipalities.

### CHAPTER V CLOSING PROVISIONS

#### Article 10

This Joint Ministerial Regulation shall come into force on the date specified.

So that everyone knows about it, it is ordered that this Joint Ministerial Regulation be enacted by being promulgated in the National Gazette of the Republic of Indonesia.

Determined in Jakarta  
on January 28, 2011

MINISTER FOR HOME AFFAIRS  
Signed  
GAMAWAN FAUZI

MINISTER FOR HEALTH,  
Signed.  
ENDANG RAHAYU SEDYANINGSIH

Enacted in Jakarta  
on February 1, 2011

MINISTER OF JUSTICE AND HUMAN RIGHTS  
REPUBLIC OF INDONESIA,

Signed.

PATRIALIS AKBAR