

The Regulation

In 2016 the local government of Banyuwangi initiated a regulation to control tobacco advertisement in Banyuwangi. On 27 September 2016, the Head of Banyuwangi District issued Peraturan Bupati (Perbup for short) No 32/2016 establishing bans on tobacco advertisements in Banyuwangi Subdistrict. Perbup is a regulation issued by head of district, either as a new initiative or as mandated by Peraturan Daerah or Perda for short. Perda is a regulation at a higher level compared to Perbup. A Perda rules all areas of the district, is either initiated by the government or parliament and requires hearing with all stakeholders before being passed by the parliament. Perbup No 32//2016 included tobacco advertisement ban on main roads and sport arenas, and ban on any advertisements placed within 25 meters of schools and religious sites. On 13 December 2016 in Perbup No 78/2016 forbidden location for OTA were increased to include one location in Rogojampi Subdistrict and seven locations in Genteng Subdistrict. With these two regulations the following locations to be forbidden for tobacco advertisement placement:

- I. Within 25 meters of schools and religious sites
- II. Banyuwangi Subdistrict:
 1. All areas of Banyuwangi Subdistrict
 2. Main roads:
 - a. Jalan Argopuro
 - b. Jalan R. Wijaya
 - c. Jalan M.H. Thamrin
 - d. Jalan Hayam Wuruk
 - e. Jalan Widuri
 - f. Jalan Mawar

- g. Jalan HOS Cokroaminoto
 - h. Jalan Wijaya Kusuma
 - i. Jalan Gajah Mada
 - j. Jalan Brawijaya
 - k. Jalan S. Parman
 - l. Jalan Simpang Gajah Mada
3. Tawang Alun Sport Stadium

III. Rogojampi Subdistrict

- 1. Main road: Jalan Raya Simpang Tiga Adipura

IV. Genteng Subdistrict

- 1. Jalan Gajah Mada
- 2. Jalan K.H. Wahid Hasyim
- 3. Jalan Diponegoro
- 4. Jalan K.H. Hasyim Ashari
- 5. Jalan Imam Bahri
- 6. Jalan Hasanudin
- 7. Jalan Jember

These regulations (hereafter called The regulation) were made effective immediately after signing. There were no systematic efforts to socialize the regulation to the general public other than posting the the regulation on government website and holding a discussion sporadically. Satuan Polisi Pamong Praja (Public Order Agency/POA) were assigned as the sole enforcement agency for The regulation, based on Perbup No 58/2016 stating that the function of enforcement division of POA was to plan, coordinate, manage, control, evaluate and report the enforcement of Perbup and Perda. Penalty for violations of The regulation were administrative.

The procedures for enforcements within POA were as follows:

1. For all forms of advertisement that were granted permits before the regulation took effect were allowed to be placed until the end of it's permit period. Permit extension would not be granted. Screen time for tobacco advertisement on videotrons were reduced and replaced by videos of government programs until the end of permit periods. It was expected that all permits will end by 2018.
2. For advertisements placed after the Regulation the procedure taken follows Perbup No 6/2013 that was used for enforcement of all Perdas and Perbups: members of POA immediately take down incidental advertisement. Illegal longer-term advertisements were reported to investigating officer within POA. Based on recommendation from investigating officer, POA would issue a warning letter to the offending tobacco company to take down the advertisement themselves. If the advertisement was not taken down within 3 days, POA would issue up to 3 warnings. Each consecutive warning would give a limit of 7, 5 and 3 days. POA would take down the advertisement if the last warning was also ignored.