



Model Approach In Enforcement Of Perda No 5 Year 2017 About A No Smoking Area (Case Study Of Enforcement Within The Scope Of Opd East Kalimantan Province)

¹Ajisaka Bagas Satyanagara, ²Nabelah Fauzia, ³Nur Anisya Azlin, ⁴Wahyu Setiawan

¹²³⁴Institut Pemerintahan Dalam Negeri

Jl. Gajah Mada No.1, Leneng, Kec. Praya, Kabupaten Lombok Tengah, Nusa Tenggara Bar. 83522

Email: cakcakh11@gmail.com

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ABSTRACT

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Cigarettes have addictive properties whose use can cause non-communicable diseases (PTM) to active smokers and passive smokers. This research is entitled "A Model Approach in Enforcement of Regional Regulation No. 5 of 2017 concerning Non-Smoking Areas (Case Study of Enforcement within the Scope of OPD of East Kalimantan Province)". Knowing the model approach used in Enforcement of the Regional Regulation on KTR and the resulting output. This study uses a qualitative research method with a descriptive approach. Sources of data using primary and secondary data sources. Data collection techniques were carried out using interviews and documentation. Data analysis techniques were obtained through data analysis, data presentation and drawing conclusions. The approach used in enforcing the Regional Regulation on KTR is a political approach. The governor in this case as the regional head has the power and influence in the regional government organization. Thus, the success of the Perda KTR will help in the appearance of other dominant group governors such as the Head of the OPD to witness a member under him to participate in the success of his policies. Suggestions for further implementation of this policy are expected not only to rely on a limited political approach model. There are still two approaches, namely procedural and managerial approaches through programs and their derivative policies in support of the KTR regional regulation and a behavioral approach that emphasizes awareness of object policies, namely the ASN of each OPD by way of education through socialization.

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1. Introduction

Cigarette is one of the tobacco products intended to be burned, smoked, and or inhaled including kretek cigarettes, white cigarettes, cigars or other forms produced from the Nicotina, Tabacum, Nicotina Rustica and other species or synthetic species whose smoke contains nicotine and tar with or without additives. As for smoking is one of the bad habits of society whose number of consumers is increasing every year. According to the World Health Organization (WHO) every year, around 225,700 people in Indonesia die from smoking or other tobacco-related diseases. The addictive nature of cigarettes makes it difficult for many people to get out of the trap. Even though they are poor, have uncertain jobs, and are aware of the threat of disease, they still smoke. There are various reasons that are factors that cause people to have a smoking habit. According to Lewin (Komasari & Helmi, 2011), smoking behavior or habits that occur in people's lives, apart from being caused by the influence of other factors originating from within the individual, also caused by environmental factors. Individually, the factors that influence smoking habits include prestige, education level, social strata. Meanwhile, the environment includes socio-cultural aspects such as cultural and social habits (Smet B, 1994).

In Indonesia, according to data from (BPS, 2021), Cigarettes will still be the main consumption of Indonesian people in 2021. Based on data from the Central Statistics Agency, the average per capita



expenditure in Indonesia for tobacco and betel nut will reach Rp. 76,583 per month in 2021. Per capita expenditure on cigarettes is in the second highest position in the foodstuffs group. Its position is only under ready-to-eat food whose per capita expenditure is Rp. 197,682 per month. This also confirms that the need for cigarettes is above the fulfillment of nutritional needs in supporting health. Meanwhile, in East Kalimantan, according to the Central Statistics Agency (BPS), East Kalimantan recorded that the expenditure on filter cigarettes for the poor in East Kalimantan was the second highest after rice. In detail, the number of poor people in rural areas is 17.54 percent. Meanwhile in urban areas 9.07 percent of the total expenditure is for the food category. And nationally, cigarette consumption is also just below rice expenditure (Kaltim Antaranews, 18 July 2018).

Law number 36 of 2009 concerning health mandates the Regional Government to regulate the designation of Non-Smoking Areas. Article 115 paragraph (2) stipulates that local governments are obliged to establish a smoke-free area in their territory. This arrangement aims to prevent and overcome the adverse effects of each cigarette smoke. Non-smoking areas include health service facilities, places for teaching and learning, places for children to play, places of worship, public transportation, workplaces, public places and other designated places. Health service facility is a tool and/or good place used to organize health service efforts, whether promotive, preventive, curative or rehabilitative carried out by the government, regional government and or the community. The concept of this regulation is to prohibit smoking, cigarette advertising and cigarette sales in non-smoking areas as previously described, except in public places, cigarette buying and selling transactions are still allowed.

In East Kalimantan, through an agreement between the East Kalimantan Provincial DPRD and the East Kalimantan Governor, a Regional Regulation regarding this matter has been formed, namely Regional Regulation No. 5 of 2017 concerning Non-Smoking Areas (KTR). Non-Smoking Area, hereinafter abbreviated as KTR, is a room or area that is declared prohibited for smoking activities or for producing, selling, advertising, and or promoting tobacco products. Sanctions have been regulated in Chapter X regarding Criminal Provisions Article 18 which reads "everyone who intentionally violates the KTR as referred to in Article 9 paragraph

(1) and (2) shall be subject to a maximum fine of Rp. 50,000,000 (fifty million rupiah).

In an effort to support the Provincial Government with the existence of Regional Regulation No. 5 of 2017 concerning KTR, the Civil Service Police Unit has implemented a series of regional regulations enforcement based on PP No. 16 of 2018. This paper was written to find out the implementation mechanism and the results of the enforcement of the Non-Smoking Area Regulation (KTR) by the Satpol PP East Kalimantan Province.

To support the results of this study, references from previous studies are needed which can be used as references for research conducted at this time in order to In the journal Implementation of Non-Smoking Areas as Smoking Prevention in Early Adolescents (Marchel, 2019) the results show that the KTR implementation policy is available and complete with punishment but the commitment to implementation and punishment has not been implemented explicitly. The Journal of Smokers' Perceptions on the Implementation of Non-Smoking Areas (Sutrisno & Djannah, 2029) explains that in order to achieve the successful implementation of this no-smoking area policy, it needs to be supported by a strong commitment between the parties involved in it, including the very important thing is the existence of the KTR task force and monitoring the effectiveness of the implementation of a smoke-free area.

The Journal of the Implementation of Non-Smoking Areas in Rancabali (Noviyanti & Dai, 2020) concludes that the No-Smoking Area has been implemented, but has not been implemented properly, due to inadequate smoking areas, lack of understanding and awareness of Rancabali District office employees and the public regarding the existence of the KTR Regional Regulation.

Researchers also make updates to their research so that they can provide new information and facts that can then be utilized and developed by other researchers. The object of the research that the researcher took was the OPD of East Kalimantan Province which in fact contained ASN from the lowest position to the head of the OPD and even the Regional Secretary. as we know that the enforcement of regional regulations is carried out by members of the Satpol PP who are also ASNs, so an approach is needed which will then be described in this study.

2. Method



In this study using an approach known as a qualitative approach. According to (Sugiyono, 2009) qualitative research is based on the philosophy of postpositivism. because the process in the research is artistic or less patterned, this method is also known as the artistic method or as naturalistic research because the research is in a natural state.

(Moleong, 2011) explains that the characteristics of a qualitative approach are descriptive, because the data collected are not numbers, but in the form of words and pictures. Based on the existing data, the type of research approach carried out is descriptive research, where according to (Narbuko, 2015) in the results of the study, the researcher explains by how to explain the problem and its solution, and then present it. In this study, the researcher conducts an in-depth research assessment of something that is still hidden and followed, which means that it still raises doubts in the mind of the researcher. Researchers can also conduct in-depth research studies on something that is still hidden and traceable, which means that it still raises doubts in the minds of researchers.

By using a qualitative descriptive approach, the researchers tried to analyze the approach model in Enforcement of the Regional Regulation on KTR by the Satpol PP of the Province of East Kalimantan, specifically the approach between or among ASN, namely members of Satpol PP and other OPD ASNs. So it is hoped that it will describe the situation and obstacles faced and the approach taken to ASN in all OPDs of East Kalimantan Province.

3. Result and Discussion

3.1 Result

The Central Bureau of Statistics released data on the percentage of smoking in the population 15 years by province in the following table (researchers took the top 5 samples).

TABLE 1
The percentage of smoking in population ≥ 15 years by province (percent)

Province	2019	2020	2021
Bali			
Kalimantan Timur	24,52	24,42	23,37
DKI Jakarta	26,04	25,75	23,37
Kalimantan Selatan	23,95	23,83	24,51
DKI Yogyakarta	22,87	22,64	24,54

The table above shows that the province of East Kalimantan is ranked second in the percentage of the number of smokers aged more than 15 years. There was a decrease of 0.10% in 2020 and by 1.05% in 2021. This condition can indicate an indication of the success of the enforcement of Perda No. 5 of 2017 which regulates the Effective Non -Cigarette Area (KTR) after two years of being passed, namely in the year 2019. The above conditions still have not explained how the conditions and results of the enforcement in the Regional Apparatus Orgasination (OPD) within the scope of the East Kalimantan Provincial Government.

Enforcement of the KTR Regional Regulation by the East Kalimantan Provincial Government Satpol PP includes 3 activities, namely counseling, supervision, and guidance by the PPHD (Enforcement of Regional Legal Products). In counseling activities there are 2 ways that are done ole Satpol PP member. First, counseling is carried out by inviting representatives from each regional apparatus in the Review of the KTR Regional Apparatus Implementation in East Kalimantan Province. In this activity will be explained about the KTR Regional Regulation to increase the knowledge, skills and understanding of employees in the implementation of KTR in their respective working areas. As for the second way, by attaching sheets to each office regarding the KTR Regional Regulation which contains a brief explanation information on the Regional Regulation and sanctions that can be imposed on violators.

Supervision activities as a series of the second enforcement of the Regional Regulation are carried out by the Civil Servant Investigator (PPNS) of the East Kalimantan Provincial Satpol PP. PPNS members are deployed on a sudden inspection in each regional apparatus office. In this supervision, finding violators and evidence is a priority of activities with the aim of finding out how far the implementation of the Regional Regulation has been carried out by the OPD employee. The last series is a coaching activity. Coaching is carried out to violators by Satpol PP by giving a verbal reprimand in place to provide reports on the results

Enforcement in the form of a letter to each head of the regional apparatus with a copy to the regional head in this case the Governor of East Kalimantan.

The annual routine agenda for the enforcement of the Regional Regulation is coupled with the commemoration of the National Health Day in early November each year. This activity was carried out using an assessment system with coordination with the Health Office and related regional apparatuses. The activity will begin with the implementation of the inspection by Satpol PP accompanied by the Health Office as a Pemda Pemangku to the Regional Apparatus. Sidak will be focused on the search for evidence in the form of cigarette waste, cigarette ashtrays, and employees found smoking in areas or rooms that are prohibited from smoking. Evidence and violators will be documented as report material and assessment. Employees who violate will be carried out data collection and given oral warnings on the spot.

After the sudden inspection will be followed by an assessment activity whose results will be attached to the activity report which is then submitted to each OPD head with a copy to the Governor.OPD with the highest value will get an award in the event The peak of the National Health Day on November 12 each year. Whereas the OPD with the lowest value will get a reprimand and be a special concern in the implementation of the Non -Smoking Area by the Governor. Following are the results of the assessment in 2019 and 2020 concerning No Cigarettes in each OPD of East Kalimantan Province

TABLE 3
Assessment of Non -Smoking Areas in 2019 and 2020 by the East Kalimantan Provincial Health Office

INSTANSI/ SKPD	Nilai	
	2019	2020
Dinas Kominfo	37	27
Dinas Sosial	32	32
Dinas Pendidikan	47	30
Dinas TanamanPangan	64	60
Disperindagkop	50	58
Dpmpmsp	33	39
Disnakertrans	43	70
Rs AtmaHusada	92	98
Dinas Perhubungan	77	56
Bapeda	41	51
Dinas Kelautan	65	24
Dinas Kehutanan	21	26
SekretariatKorpri	29	82
Dinas Peternakan	82	84
Bkd	54	70
Dispora	39	49
Rsud Aws	86	-

The table above shows the acquisition of the value of each OPD in the implementation of no smoking areas. Aspects assessed consist of two components, namely the main components and supporting components. The main component consists of the presence of smoking people, the discovery of ashtrays in the building, the discovery of cigarette scissors in the building, the discovery of a match inside the building, smells of cigarette smoke in the building, a marker of KTR (KTR poster), and inspection of the KTR area. While the supporting components of KTR assessment consist of The policies of the leadership of each OPD are related to KTR, the obligations of the KTR person in charge, and the target of supervision.

Based on the assessment table above it can be seen that the top and lowest rankings are filled by the same regional apparatus in 2019 and 2020, namely Atma Husada Hospital as the top rank and the DPRD Secretariat as its lowest ranking. Through interviews with the Health Service Assessment Team there are several factors that influence the following:

- a. Atma Husada Hospital as ranked first in the KTR assessment also received the title of OPD with the cleanest environment from the East Kalimantan Provincial Government.
- b. Joint commitment becomes the principle of this hospital in maintaining conduciveness including KTR implementation.



- c. Being a place of treatment becomes an absolute factor for Atma Husada Hospital in protecting a healthy and clean environment for patients and other visitors.

The DPRD Secretariat which occupies the lowest ranking in KTR's assessment is also influenced by several factors we have obtained, as follows

- a. Room facilities or areas for smoking are inadequate. This will affect the smoking behavior of employees by using places such as pantry, emergency stairs, even in their workspace.
- b. Employees argue that the workload received is high. One of the solutions they do is smoking on the grounds of releasing a moment of work or relaxing the mind. Of course reasons like this require further research in order to be proven.
- c. Lack of employee awareness in respecting the rights of non-smokers or passive smokers. Passive smokers bear the more severe health burden that is more susceptible to lung cancer than active smokers.
- d. The reason that cigarette excise is the largest contributor to state revenue. The APBN report in 2021 was recorded at Rp188.81 trillion.

After the analysis researcher there was a cycle of the KTR regional regulation implemented by the East Kalimantan Provincial Satpol PP Based on the cycle under the enforcement activity in the form of inspection which is coupled with the National Health Day assessment activity is an initiative as well as a form of support by the Governor in the implementation of the KTR Regional Regulation. Enforcement by Satpol PP was carried out together with an assessment team from the East Kalimantan Provincial Health Office as well as a KTR policy maker.

After the sudden inspection will be prepared a report on the results of activities containing conditions in the field, violations found, evidence and the identity of violators obtained. The report is also supported by the results of the KTR assessment by the Health Office. Then, the report will be submitted to each head of the OPD with a copy of the governor as an evaluation material for OPD and ASN in it. Evaluation can be a reprimand to the imposition of sanctions to the ASN concerned. In addition to reports, awards and red report cards will be given to the OPD based on the results of the assessment. In the above activities it can be analyzed that the approach used in the enforcement of the KTR regulation is an approach political. approaches in policy implementation (Solichin A. Wahab, 2015) as follows

- a. Procedural and Management Approaches
In this approach the purpose of procedural and managerial is procedures in carrying out public policies which include scheduling (scheduling), planning (planing), and supervision (control).
- b. Behavior Approach The behavior approach begins
with an awareness that there is often a rejection of change. In reality, alternatives available are rarely simple such as accepting or rejecting, and can actually result in the possibility of attitude reactions, ranging from active acceptance to passive acceptance, indifferent and passive rejection and active rejection.
- c. Political Approach
The political approach in this approach is that political understanding refers more to the patterns of power and influence between and in the organizational environment. The success of a policy will ultimately depend on the willingness and ability of the dominant groups to impose their will.

The governor in this case as the regional head has the power and influence in the regional government organization. Thus, the success of the KTR Regional Regulation will depend on the willingness of the governor and other dominant groups such as the Head of OPD to force Anggta under him to participate in the success of his policy. Through KTR assessment activities and awarding and red report cards, the governor will indirectly order the Head of OPD and its members to support KTR policies. The obstacle faced by the political approach is that if the dominant groups there is no implementation of policies that will be desired may only be achieved through a long process that is incremental (slight development) and mutual understanding among those involved.

The Head of OPD as a dominant group needs to carry out an implementation that won KTR. Assessment becomes a clear thing in the implementation of this KTR, Makadari at least the Head of OPD can prepare points from the assessment. But the conditions in the field there are still many OPDs who get unattractive grades. This shows that the attention of the KTR policy is still not the main thing and there is still no emphasis on the members or ASN at the OPD.

4. Conclusion

Researchers concluded that the implementation of Perda No. 5 of 2017 Cigarette without a cigarette area can be indicated there is an increase in its implementation widely in the national scope as a province that keeps the sequence of 5 lowest provinces in cigarette consumption. On the other hand, the implementation in the scope of the OPD of the Provincial Government of East Kalimantan is still no increase shown by the lowest ranking which is filled with the same OPD two years in a row there are still many values that have not been satisfactory. The above shows that an active role and initiative are still needed through a political approach through the Governor as the holder of power and the dominant group, namely the Head of the OPD to members or ASN in their respective OPDs. In addition to the regulation that specifically regulates KTR, policies from each OPD are still needed to support the implementation of these regulations that are adapted to the organizational culture in their offices. Starting from planting the value of awareness of its importance healthy living, maintaining and creating a healthy environment and mutual respect for human rights to live healthy. In addition, it is hoped that the enforcement of this policy does not only depend on a limited political approach model. There are still two approaches, namely procedural and managerial approaches through programs and their derivative policies in supporting the CTR and behavioral approaches that claim awareness of policy objects, namely ASN each OPD by educating through socialization.

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