

REGENT OF GRESIK
EAST JAVA PROVINCE
REGULATION OF THE REGENT OF GRESIK
NUMBER 40 OF 2015

ON
THE IMPLEMENTING REGULATION OF THE REGIONAL REGULATION OF THE REGENCY OF
GRESIK
NUMBER 4 OF 2015 ON SMOKE-FREE ZONES AND
RESTRICTED SMOKING ZONES

BY THE BLESSINGS OF ALMIGHTY GOD

The Regent of Gresik,

Considering: that in order to implement the provisions of section (3) of Article 6, section (2) of Article 16, section (3) of Article 17, section (4) of Article 19, section (2) of Article 23, and section (7) of Article 25 of Regional Regulation of the Regency of Gresik Number 4 of 2015 on Smoke-Free Zones and Restricted Smoking Zones, it is necessary to issue a Regent Regulation on the Implementing Regulation of Regional Regulation of the Regency of Gresik Number 4 of 2015 on Smoke-Free Zones and Restricted Smoking Zones;

Considering: 1. Law Number 12 of 1950 on the Establishment of Regions within the Province of East Java (State Gazette of the Republic of Indonesia of 1950 Number 19, Supplement to the State Gazette of the Republic of Indonesia Number 2930) as amended by Law Number 2 of 1965 on the Amendment of the Boundary of the Surabaya Municipality and the Type II Region of Surabaya (State Gazette of the Republic of Indonesia of 1965 Number 19, Supplement to the State Gazette of the Republic of Indonesia Number 2730);

2. Law Number 39 of 1999 on Human Rights (State Gazette of the Republic of Indonesia of 1999 Number 165, Supplement to the State Gazette Number 3886);

3. Law Number 23 of 2002 on Child Protection (State Gazette of the Republic of Indonesia of 2002 Number 109, Supplement to the State Gazette Number 4235);
4. Law Number 28 of 2002 on Building Structures (State Gazette of the Republic of Indonesia of 2002 Number 134, Supplement to the State Gazette Number 4247);
5. Law Number 32 of 2009 on Environmental Protection and Management (State Gazette of the Republic of Indonesia of 2009 Number 140, Supplement to the State Gazette of the Republic of Indonesia Number 5059);
6. 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);
7. Law Number 44 of 2009 on Hospitals (State Gazette of the Republic of Indonesia of 2009 Number 153, Supplement to the State Gazette Number 5072);
8. Law Number 12 of 2011 on the Formation of Legislation (State Gazette of the Republic of Indonesia of 2011 Number 82, Supplement to the State Gazette Number 5234);
9. Law Number 23 of 2014 on Regional Government (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, lastly by Law Number 9 of 2015 on the Second Amendment to Law Number 23 of 2014 on Regional Government (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679);
10. Government Regulation Number 79 of 2005 on Guidelines for Guidance and Supervision of Regional Governance (State Gazette of the Republic of Indonesia of 2005 Number 165, Supplement to the State Gazette of the Republic of Indonesia Number 4593);
11. Government Regulation Number 68 of 1999 on Procedures for the Implementation of Public Participation in State Administration (State Gazette of the Republic of Indonesia of 1999 Number 129, Supplement to the State Gazette of the Republic of Indonesia Number 3866);
12. Government Regulation Number 109 of 2012 on the Security of Materials Containing Addictive Substances in the Form of Tobacco Products for Health (State Gazette of the Republic of Indonesia of 2012 Number 36, Supplement to the State Gazette Number 4276);
13. Presidential Regulation Number 87 of 2014 on Implementing Regulations of Law Number 12 of 2011 on the Formation of Legislation;
14. Joint Regulation of the Minister of Health and the Minister of Home Affairs Number

188/Menkes/PB/I/2011 and Number 7 of 2011 on Guidelines for Smoke-Free Zones;

15. Joint Regulation of the Minister of Law and Human Rights and the Minister of Home Affairs Number 12 of 2012 Number 72 of 2012 on Human Rights Parameters in the Formation of Regional Legal Products;

16. Regulation of the Minister of Home Affairs Number 1 of 2014 on the Formation of Regional Legal Products;

17. Regional Regulation of the Regency of Gresik Number 23 of 2011 on the Work Guidelines of Civil Servant Investigators at Regional Work Units;

18. Regional Regulation of the Regency of Gresik Number 2 of 2012 on Guidelines for the Formation of Regional Legislation (Gresik Regency Regional Gazette of 2012 Number 2);

19. Regional Regulation of the Regency of Gresik Number 4 of 2015 on Smoke-Free Zones and Restricted Smoking Zones (Gresik Regency Regional Gazette of 2015 Number 4, Supplement to the Gresik Regency Regional Gazette Number 4);

DECIDES:

To enact: A REGENT REGULATION ON THE IMPLEMENTING REGULATION OF THE REGIONAL REGULATION OF THE REGENCY OF GRESIK NUMBER 4 OF 2015 ON SMOKE-FREE ZONES AND RESTRICTED SMOKING ZONES.

CHAPTER I

GENERAL PROVISIONS

Article 1

In this Regent Regulation:

1. Region means the Regency of Gresik.
2. Regency Government means the Regional Government of the Regency of Gresik.

3. Regent means the Regent of Gresik.
4. Agency means the Gresik Regency Health Office.
5. Head of Agency means the Head of the Gresik Regency Health Office.
6. Regional Regulation means Regional Regulation of the Regency of Gresik Number 4 of 2015 on Smoke-Free Zones and Restricted Smoking Zones.
7. Person means an individual or business entity, whether incorporated or unincorporated.
8. Cigarette means a tobacco product intended to be burned, smoked, and/or inhaled, including kretek cigarettes, white cigarettes, cigars, or other forms produced from *nicotiana tabacum*, *nicotiana rustica*, and other species or their synthesis, the smoke of which contains nicotine and tar with or without additives.
9. Smoke-Free Zone, hereinafter abbreviated as SFZ, means a room or area declared prohibited for smoking activities or activities to produce, sell, advertise, and/or promote tobacco products.
10. Restricted Smoking Zone, hereinafter abbreviated as RSZ, means a place or area that is part of the SFZ and/or not part of the SFZ where smoking activities may only be carried out in a specially provided place.
11. Cigarette advertisement means activities to introduce, popularize, and/or promote cigarettes with or without compensation to the public with the aim of influencing consumers to use the offered cigarettes.
12. Smoke-Free Zone and Restricted Smoking Zone Monitoring Team, hereinafter referred to as the SFZ and RSZ Monitoring Team, means a team consisting of Civil Servants within the Regency Government and/or individuals appointed by the Regent.
13. Special Smoking Place means a room specifically intended for smoking activities located within the RSZ.
14. Health service facilities means tools and/or places used to provide health services, both promotive, preventive, curative, and rehabilitative, carried out by the Government, Regional Government, and/or the community.
15. Place of teaching and learning process means a building used for learning, teaching, education, and/or training activities.
16. Childrens playground means an indoor or outdoor area used for childrens play activities.
17. Place of worship means a building or enclosed space with specific characteristics specifically

used for worship by adherents of each religion permanently, excluding family places of worship.

18. Public transportation means transportation for the public that can be in the form of land, water, and air vehicles, usually with compensation.

19. Workplace means any enclosed or open, mobile or fixed room or area where workers work, or which is entered by workers for the purposes of a business and where there are sources of danger.

20. Public place means all enclosed places that are accessible to the general public and/or places that can be used together for community activities managed by the government, private sector, and the community.

21. Other designated places means open places that can be used together for community activities.

22. Leader or person responsible for SFZ or RSZ means the person who, by virtue of their position, leads and/or is responsible for the activities and/or business in the area designated as SFZ or RSZ.

23. Institution leader means the manager, manager, responsible leader, and owner at the SFZ and RSZ, as regulated in this Regent Regulation.

24. Institution means a body/organization that aims to carry out a business activity.

25. Entity means a collection of people and/or capital that is a unit, both those conducting business and those not conducting business, including limited liability companies, komanditer companies, other companies, state-owned or regional-owned business entities with any name and in any form, firms, partnerships, cooperatives, associations, foundations, mass organizations, socio-political organizations, or similar organizations, pension funds, permanent business forms, and other entity forms.

CHAPTER II

LIMITATIONS AND OBLIGATIONS OF LEADERS OR PERSONS RESPONSIBLE FOR SFZ

Article 2

In each SFZ, it is prohibited to provide a Special Smoking Place and it is an area free from cigarette smoke up to the outermost fence.

Article 3

(1) Every leader or person responsible for the SFZ must:

a. prohibit any person in the SFZ area under their responsibility from engaging in the following activities:

1. producing or making cigarettes;
2. selling cigarettes;
3. advertising cigarettes;
4. promoting cigarettes; and/or
5. using cigarettes.

b. give reprimands, warnings, and/or take action against any person in the SFZ area under their responsibility, if they are found to have engaged in the activities referred to in point a; and

c. create and install signs/instructions/warnings prohibiting smoking.

(2) Actions that can be taken by the leader or person responsible for the SFZ as referred to in section (1) point b include:

- a. evicting any person in the SFZ area under their responsibility;
- b. imposing administrative sanctions in accordance with applicable policies and/or regulations; or
- c. reporting to the competent authorities.

CHAPTER III

PUBLIC PLACES, WORKPLACES, AND OTHER PLACES

Part One

General

Article 4

(1) Workplaces, public places, and other places are designated as RSZs.

(2) Public places in the form of Public Fuel Stations (SPBU) are designated as SFZs.

(3) Other places as referred to in section (1) include:

- a. sports fields;
- b. football stadiums; and
- c. fitness centers.

(4) Everyone in the RSZ area is prohibited from smoking except in the Special Smoking Place.

Part Two

Workplace

Article 5

(1) Every leader or person responsible for a workplace that has been designated as an RSZ must:

- a. prohibit every staff member, employee, and/or worker or any person in the workplace under their responsibility from smoking except in the Special Smoking Place;
- b. give reprimands, warnings, and/or take action against every staff member, employee, and/or worker or any person in the workplace under their responsibility if they are found to have violated the prohibition referred to in point a;
- c. provide a Special Smoking Place in accordance with the provisions; and
- d. create and install signs/instructions/warnings prohibiting smoking and signs/instructions for smoking rooms.

(2) Actions that can be taken by the leader or person responsible for the workplace as referred to in section (1) point b are:

- a. allowing any person in the workplace under their responsibility to smoke in the provided Special Smoking Place;
- b. instructing every staff member, employee, and/or worker to smoke in the provided Special Smoking Place;
- c. evicting any person in the workplace under their responsibility;
- d. imposing administrative sanctions on every staff member, employee, and/or worker in accordance with the applicable policies and/or regulations at the workplace in question; or

e. reporting to the competent authorities.

Part Three

Public Place

Article 6

- (1) Every leader or person responsible for a public place that has been designated as an RSZ must:
- a. prohibit every visitor, employee, or any person in the public place under their responsibility from smoking except in the Special Smoking Place;
 - b. give reprimands, warnings, and/or take action against every visitor, employee, or any person in the public place under their responsibility if they are found to have violated the prohibition referred to in point a;
 - c. provide a Special Smoking Place in accordance with the provisions; and
 - d. create and install signs/instructions/warnings prohibiting smoking and signs/instructions for smoking rooms.
- (2) Actions that can be taken by the leader or person responsible for the public place as referred to in section (1) point b are:
- a. allowing every visitor or any person in the public place under their responsibility to smoke in the provided Special Smoking Place;
 - b. instructing every employee in the public place under their responsibility to smoke in the provided Special Smoking Place;
 - c. evicting every visitor or any person in the public place under their responsibility;
 - d. imposing administrative sanctions on their employees in accordance with the applicable policies and/or regulations at the public place in question; or
 - e. reporting to the competent authorities.

Part Four

Other Places

Article 7

- (1) Every leader or person responsible for other places that have been designated as an RSZ must:
- a. prohibit every visitor, employee, or any person in other places under their responsibility from smoking except in the Special Smoking Place;
 - b. give reprimands, warnings, and/or take action against every visitor, employee, or any person in other places under their responsibility if they are found to have violated the prohibition referred to in point a;
 - c. provide a Special Smoking Place in accordance with the provisions; and
 - d. create and install signs/instructions/warnings prohibiting smoking and signs/instructions for smoking rooms.
- (2) Actions that can be taken by the leader or person responsible for other places as referred to in section (1) point b are:
- a. allowing every visitor or any person in other places under their responsibility to smoke in the provided Special Smoking Place;
 - b. instructing every employee in other places under their responsibility to smoke in the provided Special Smoking Place;
 - c. evicting every visitor or any person in other places under their responsibility;
 - d. imposing administrative sanctions on their employees in accordance with the applicable policies and/or regulations at the other places in question; or
 - e. reporting to the competent authorities.

CHAPTER IV

SPECIAL SMOKING PLACE

Article 8

(1) Every RSZ must have a Special Smoking Place.

(2) The Special Smoking Place as referred to in section (1) must meet the following provisions:

- a. it is separate from the room declared as a no-smoking area;
- b. it is an open space or a space directly connected to the outside air so that air can circulate well;
- c. a Special Smoking Place sign/instruction (smoking area) is installed;
- d. it is equipped with an ashtray or cigarette butt disposal; and
- e. it is equipped with data and information on the dangers of smoking for health.

CHAPTER V

SIGNS/INSTRUCTIONS/WARNINGS

Part One

Signs/Instructions/Warnings Prohibiting Smoking

Article 9

(1) Every SFZ and/or RSZ that is not a Special Smoking Place must have a sign/instruction/warning prohibiting smoking installed.

(2) The sign/instruction/warning prohibiting smoking as referred to in section (1) must meet the following provisions:

- a. size greater than or equal to 20 cm x 30 cm;
- b. striking color, so it is easily seen;
- c. contains the text "SMOKING PROHIBITED" and "NO SMOKING";
- d. contains a picture/symbol of a lit cigarette crossed out in a red circle; and
- e. includes the sanction for the violator and its legal basis.

(3) The sign/instruction/warning prohibiting smoking as referred to in section (1) must be installed in a strategic and easily visible place, the number of which is adjusted to the area of the room.

(4) The sign/instruction/warning prohibiting smoking as referred to in section (2), included in Appendix I, is an integral part of this Regent Regulation.

Part Two

Signs/Instructions/Warnings for Smoking Rooms

Article 10

(1) Every Special Smoking Place in the RSZ must have a sign/instruction for smoking rooms installed.

(2) The sign/instruction for smoking rooms as referred to in section (1) must meet the following provisions:

- a. size greater than or equal to 20 cm x 30 cm;
- b. striking color, so it is easily seen;
- c. contains the text "SMOKING ROOM" and "SMOKING ROOM?"; and
- d. contains a picture/symbol of a lit cigarette in a blue circle.

(3) The sign/instruction for smoking rooms as referred to in section (1) must be installed in a strategic and easily visible place, the number of which is adjusted to the area and number of smoking rooms.

(4) The sign/instruction for smoking rooms as referred to in section (1), included in Appendix II, is an integral part of this Regent Regulation.

CHAPTER VI

GUIDANCE AND SUPERVISION

Part One

Guidance

Article 11

(1) The Regent conducts general guidance on:

- a. protection of the community from the dangers of cigarettes; and
- b. the realization of SFZs and RSZs.

(2) The guidance referred to in section (1) is aimed at:

- a. leaders or persons responsible for SFZs and RSZs so that the implementation of SFZs and RSZs under their responsibility is effective; and
- b. the community in general so that they are motivated to play an active role in realizing SFZs and RSZs and a healthy lifestyle.

(3) The guidance referred to in section (1) includes:

- a. dissemination of information and socialization through print and electronic media;
- b. coordination with the Central Government, Provincial Government, community organizational elements, educational circles, community leaders, and religious leaders;
- c. formulating policies related to protecting the community from the dangers of cigarette smoke;
- d. cooperating with national and international bodies or institutions in efforts to protect the community from the dangers of cigarette smoke; and
- e. giving awards.

Article 12

(1) Guidance is carried out in an effort to direct leaders or persons responsible for institutions and/or entities in SFZs and RSZs to make effective the places owned or managed by the institutions and/or entities to be truly free from cigarette smoke.

(2) The guidance referred to in section (1) is carried out by:

- a. visiting the SFZ and RSZ locations;
- b. providing guidance to the owners, managers, managers, leaders, and persons responsible for SFZs and RSZs.

Article 13

(1) In carrying out the guidance referred to in Article 11, the Regent may delegate their authority to

the Head of Agency.

(2) In addition to the authority delegated by the Regent as referred to in section (1), the Head of Agency conducts guidance in order to realize SFZs and RSZs in the Region.

(3) The guidance referred to in section (1) is carried out by:

- a. disseminating information and socialization;
- b. conducting education;
- c. providing assistance or consultation to leaders or persons responsible for SFZs and RSZs;
- d. coordinating with all Regional agencies, community organizational elements, educational circles, community leaders, and religious leaders;
- e. motivating and building community participation and initiative for a healthy life without cigarette smoke by campaigning for SFZs and RSZs; and
- f. following up on the results of monitoring and evaluation of the implementation of SFZs and RSZs.

Article 14

(1) The Head of Agency must report on the implementation of SFZ and RSZ guidance to the Regent through the Secretary of the Regency.

(2) The report referred to in section (1) and section (2) consists of:

- a. routine report; and
- b. incidental report.

(3) The routine report as referred to in section (2) point a is submitted every 6 (six) months containing the implementation of SFZ and RSZ guidance in the Region.

(4) The incidental report as referred to in section (2) point b can be submitted at any time in the event of important incidents or events that have a wide impact on the community in SFZs and RSZs, thus requiring a policy or decision from the Regent.

(5) The format of the routine report referred to in section (2) point a is included in Appendix III, and is an integral part of this Regent Regulation.

Part Two

Supervision

Article 15

(1) Supervision is aimed at finding out:

- a. the compliance of every person with the prohibition provisions in SFZs and RSZs; and
- b. the compliance of leaders or persons responsible for SFZs and RSZs with the provisions and requirements for the management of SFZs and RSZs.

(2) Supervision as referred to in section (1) point a is carried out by the leader/person responsible for the SFZ or RSZ, the Agency, and/or the Public Order Agency.

(3) Supervision as referred to in section (1) point b is carried out by the Agency, the Public Order Agency, and/or the SFZ and RSZ Monitoring Team.

Article 16

(1) In carrying out supervision as referred to in Article 15 section (1) point a, the leader/person responsible for the SFZ or RSZ may appoint SFZ or RSZ supervisory officers who are given special authority for that purpose.

(2) The SFZ or RSZ Supervisory Officers as referred to in section (1) are authorized to conduct supervision in the SFZs and RSZs that are their work areas.

Article 17

(1) In carrying out the supervision as referred to in Article 15 section (1) point b, the Regent forms the SFZ and RSZ Monitoring Team.

(2) The SFZ and RSZ Monitoring Team as referred to in section (1) is tasked with assisting the Regent in:

- a. formulating policies in order to develop SFZs and RSZs to achieve a high level of public health;
- b. formulating the necessary implementing regulations to support the policy of developing SFZs and RSZs;

- c. disseminating information through print and electronic media and facilitating the community to motivate and build community participation, initiatives in realizing SFZs and RSZs; and
- d. monitoring the implementation of SFZs and RSZs.
- e. other tasks assigned by the Regent.

(3) The format of the monitoring result report as referred to in section (2) point d, as included in Appendix IV, is an integral part of this Regent Regulation.

Article 18

In carrying out the duties as referred to in Article 17 section (2), the SFZ and RSZ Monitoring Team is authorized to:

- a. enter places designated as SFZs and RSZs with prior notification to the owner or person in charge, except for surprise inspections;
- b. reprimand/warn anyone violating regulations in any SFZ or RSZ they enter;
- c. request to show proof of identity of anyone who violates regulations and record it in violation records in each SFZ or RSZ they enter;
- d. obtain statements from anyone who violates regulations in each SFZ or RSZ they enter;
- e. take photographs or make audio-visual recordings;
- f. provide evidence of violations to anyone who violates regulations in each SFZ or RSZ they enter;
- g. obtain statements from the owners or persons responsible for SFZs and RSZs regarding the efforts made within the framework of supervision;
- h. examine documents and/or make necessary notes related to the supervision of SFZs and RSZs;
- i. receive public complaints related to the management of SFZs and RSZs; and
- j. propose the imposition of administrative sanctions to the Regent against the owners or persons responsible for SFZs and RSZs who violate regulations.

Article 19

(1) In carrying out supervision as referred to in Article 18, the SFZ and RSZ Monitoring Team must be accompanied by a letter of assignment.

(2) Leaders or persons responsible for SFZs and RSZs must provide ease of access for the SFZ and RSZ Monitoring Team to carry out SFZ and RSZ supervisory tasks.

Article 20

(1) In carrying out their duties and authority, the SFZ and RSZ Monitoring Team must submit reports to the Regent.

(2) The report referred to in section (1) and section (2) consists of:

- a. routine report; and
- b. incidental report.

(3) The routine report as referred to in section (2) point a is submitted every 6 (six) months containing the implementation of SFZ and RSZ supervision in the Region.

(4) The incidental report as referred to in section (2) point b can be submitted at any time in the event of important incidents or events that have a wide impact on the community in SFZs and RSZs, thus requiring a policy or decision from the Regent.

(5) The format of the routine report referred to in section (2) point a is included in Appendix V and is an integral part of this Regent Regulation.

Article 21

The report as referred to in Article 19 serves as the basis and consideration for the Regent in:

- a. evaluating SFZ and RSZ policies;
- b. improving guidance and supervision; and/or
- c. imposing sanctions on owners or persons responsible for SFZs and RSZs who violate regulations.

Article 22

(1) The SFZ and RSZ Monitoring Team is headed by the Secretary of the Regency with members consisting of elements from:

- a. Agency;

- b. Public Order Agency;
- c. Inspectorate;
- d. Public Works Agency;
- e. Transportation Agency;
- f. Social Service;
- g. Education Agency;
- h. Trade Agency;
- i. Environmental Agency;
- j. Legal Division of the Gresik Regency Secretariat;
- k. Civil Servant Investigators within the Regency Government; and
- l. Other agencies or officials appointed by the Regent.

(2) In carrying out their duties, the SFZ and RSZ Monitoring Team may involve the Indonesian National Police.

(3) The SFZ and RSZ Monitoring Team as referred to in section (1) is appointed by the Regents Decision.

CHAPTER VII

IMPOSITION OF ADMINISTRATIVE SANCTIONS

Part One

Administrative Sanctions Against Individuals

Article 23

(1) Anyone violating the prohibitions as referred to in Article 15 or Article 18 of the Regional Regulation will be subject to administrative sanctions in the form of:

- a. verbal warning; and/or
- b. administrative fine of at least Rp. 100,000.00 (one hundred thousand rupiah) and at most Rp. 500,000.00 (five hundred thousand rupiah).

(2) Administrative sanctions as referred to in section (1) are imposed by:

- a. the leader of the SFZ or RSZ if the SFZ or RSZ is a Regional Government agency;
- b. the Head of the SFZ and RSZ Monitoring Team at SFZs or RSZs other than Regional Government agencies.

(3) In the event that the administrative sanction imposed is an administrative fine, the Leader of the SFZ or RSZ and the Head of the SFZ and RSZ Monitoring Team as referred to in section (2), in accordance with their authority, shall issue a decision or determination regarding the imposition of the administrative fine.

(4) The decision or determination of the SFZ or RSZ leader as referred to in section (3) is submitted to each person who commits a violation with a copy to the SFZ and RSZ Monitoring Team, Agency, and Regional Revenue, Financial Management, and Asset Agency.

(5) The decision or determination of the Head of the SFZ and RSZ Monitoring Team as referred to in section (3) is submitted to each person who commits a violation with a copy to the Agency and the Regional Revenue, Financial Management, and Asset Agency.

(6) Based on the decision or determination as referred to in section (4), anyone subject to administrative sanctions must pay the administrative fine to the designated officer at the SFZ or RSZ, after which the administrative fine is submitted to the Revenue Treasurer at the Agency to be deposited into the Regional General Cash Account.

(7) Based on the decision or determination as referred to in section (5), anyone subject to administrative sanctions must pay the administrative fine to the Revenue Treasurer at the Agency, then deposited into the Regional General Cash Account.

(8) The SFZ or RSZ leader and the SFZ and RSZ Monitoring Team may confiscate or detain a persons population document as a guarantee for payment of the administrative fine by filling out a form for the confiscation or detention of documents.

(9) The form for confiscation or detention of documents as referred to in section (8) is given to anyone who commits a violation as proof to make payment of the administrative fine and to reclaim the population document.

(10) Population documents as referred to in section (8) must be returned if the administrative fine has been paid.

(11) The format of the form for confiscation or detention of documents and the format of the decision

or determination of the imposition of the administrative fine as referred to in section (3) are included in Appendices VI and VII, and are an integral part of this Regent Regulation.

Part Two

Administrative Sanctions Against Leaders or Persons Responsible for SFZs or RSZs

Article 24

(1) Every leader or person responsible for an SFZ or RSZ who violates the prohibitions as referred to in Article 14, Article 16, or Article 19 of the Regional Regulation will be subject to administrative sanctions in the form of:

- a. verbal warning;
- b. written warning;
- c. cessation of activities;
- d. revocation of business license; and/or
- e. administrative fine of at least Rp. 100,000.00 (one hundred thousand rupiah) and at most Rp. 500,000.00 (five hundred thousand rupiah).

(2) Administrative sanctions as referred to in section (2) are imposed by the Head of the SFZ and RSZ Monitoring Team.

(3) The imposition of administrative sanctions as referred to in section (1) is carried out in accordance with the procedure:

- a. the leader or person responsible for the SFZ or RSZ is given a verbal warning by the Secretary of the Regency;
- b. if the leader or person responsible for the SFZ or RSZ does not comply with the verbal warning as referred to in point a within 7 (seven) days of the verbal warning being given, the Head of the SFZ and RSZ Monitoring Team issues a written warning containing the errors of the person concerned accompanied by a clear legal basis, the obligations that must be carried out, and the timeframe for the implementation of the obligations that must be carried out;
- c. if the leader or person responsible for the SFZ or RSZ does not comply with the written warning

as referred to in point b within 30 (thirty) days of the written warning being given, the Head of the SFZ and RSZ Monitoring Team proposes to the Regent to impose sanctions to cease activities until the written warning is fulfilled;

d. within 3 (three) days of receiving the proposal as referred to in point c, the Regent imposes a sanction to cease activities until the written warning is fulfilled;

e. if the leader or person responsible for the SFZ or RSZ still does not fulfill the written warning as referred to in point b within 15 (fifteen) days of the cessation of activities sanction being imposed by the Regent, the Head of the SFZ and RSZ Monitoring Team proposes to the Regent to impose a sanction of revocation of business license and administrative fine; and

f. within 3 (three) days of receiving the proposal as referred to in point e, the Regent imposes a sanction of revocation of business license and administrative fine.

(4) The administrative fine as referred to in section (3) point f must be paid to the Revenue Treasurer at the Agency, then deposited into the Regional General Cash Account.

Article 25

The imposition of administrative sanctions as referred to in Article 23, Article 24, will be implemented at the earliest 2 (two) years after this Regent Regulation is enacted.

CHAPTER VIII

OTHER PROVISIONS

Article 26

(1) The Agency conducts socialization activities regarding Regional Regulation of the Regency of Gresik Number 4 of 2015 on Smoke-Free Zones and Restricted Smoking Zones, and this Regent Regulation continuously for 2 (two) years after this Regent Regulation is promulgated.

(2) Socialization activities may still be carried out by the Agency after the 2 (two) year period as referred to in section (1) in order to realize SFZs and RSZs in the Region.

Article 27

(1) The Agency prints:

- a. signs/instructions/warnings prohibiting smoking;
- b. signs/instructions/warnings for smoking rooms;
- c. signs/instructions/warnings about the dangers of smoking; and
- d. other signs/instructions/warnings related to SFZs and RSZs.

(2) The signs/instructions/warnings are distributed and/or installed in SFZs and RSZs and other strategic areas in the Region.

Article 28

All costs incurred in implementing Regional Regulation of the Regency of Gresik Number 4 of 2015 on Smoke-Free Zones and Restricted Smoking Zones and this Regent Regulation are charged to the Regional Budget.

CHAPTER IX

FINAL PROVISIONS

Article 29

This Regent Regulation shall come into force on the date of its promulgation.

In order that everyone knows this, order the promulgation of this Regent Regulation by placing it in the Gresik Regency Regional Gazette.

Enacted in Gresik

on September 25, 2015

REGENT OF GRESIK,

(signature)

Dr. Ir. H. SAMBARI HALIM RADIANTO, ST., M.Si

Promulgated in Gresik

on September 25, 2015

SECRETARY OF THE REGENCY OF GRESIK,

(signature)

Ir. MOCH. NADJIB, MM

Senior Principal Administrator

NIP. 19551017 198303 1 005

GRESIK REGENCY REGIONAL GAZETTE OF 2015 NUMBER 1290

(Appendix I, II, III, IV, V, VI, and VII would follow here, with appropriate translation following the provided guidelines. Due to their length and visual nature, they are omitted from this response.)