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Smoke-Free Areas on Paper: An Analysis of Implementation and Enforcement Gaps in Urban Parks

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Abstract

The Smoke-Free Areas policy is a legal instrument that protects the public's right to a healthy environment, including in public facilities. In the City of Bandung, regulations on Smoke-Free Areas have been established through regional legislation; however, violations of these provisions are still frequently found, particularly in urban parks as open public spaces. This condition indicates a gap between normative legal regulations and policy implementation in the field, especially in terms of sanction enforcement. This study generally aims to analyze the implementation of the Smoke-Free Areas policy in urban parks in the City of Bandung. The study employs normative juridical research supported by literature review and field observation. Data are analyzed qualitatively through editing, interpretation, and data systematization. The findings indicate that Smoke-Free Areas implementation in Bandung's urban parks remains suboptimal despite an established legal framework. Limited supervision, inadequate supporting facilities, unclear technical mechanisms, and inconsistent sanctions constrain enforcement, reducing the policy's deterrent effect. The study concludes that effective implementation requires stronger institutional supervision, clearer enforcement mechanisms, adequate facilities, and consistent sanctions. The study contributes by highlighting the importance of aligning normative legal provisions with practical enforcement mechanisms to strengthen compliance with Smoke-Free Areas in urban public spaces.

Keywords

Enforcement, Legal Instrument, Sanctions, Smoke-Free Areas, Urban Parks, Public Health.

1. Introduction

The right to health is a fundamental constitutional right in Indonesia. Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia guarantees every person the right to live in physical and spiritual prosperity and to obtain a good and healthy environment. Its fulfillment requires not only health services but also preventive public policies that protect communities from environmental health risks (Suriani et al., 2025). One persistent risk is exposure to cigarette smoke in public spaces. Smoking is therefore not merely an individual matter because secondhand smoke exposes non-smokers to harmful substances, particularly vulnerable groups such as children, pregnant women, and older adults. The Smoke-Free Zone (*Kawasan Tanpa Rokok*/KTR) policy consequently serves as an important regulatory instrument for protecting public health and realizing the constitutional right to a healthy environment (Septiono et al., 2020; Wahidin et al., 2020).

The urgency of KTR implementation is particularly relevant in Bandung. Smoking exposure remains an important public health concern, including in relation to child health and household environments. In 2025, the Bandung City Health Office identified cigarette smoke exposure as an important factor in the city's stunting context, while Putri et al. (2021) reported ongoing concerns about smoking behavior among adolescents in the Bandung area. The growing use of electronic cigarettes further complicates tobacco-control efforts. Wibowo and Weinmann (2025) identified social and environmental factors, including peer smoking and exposure to smoking at home, as important determinants of e-cigarette use among Indonesian youth. Hamdan (2026) identified social smokers using conventional cigarettes, electronic cigarettes, and both types simultaneously, indicating that tobacco exposure is increasingly diverse. These findings show that tobacco control cannot rely solely on individual behavior change; it requires effective regulation, supervision, and enforcement in public spaces (Priyanto et al., 2025).

Indonesia has established a tobacco-control legal framework through national and regional regulations. Law Number 36 of 2009 concerning Health and Government Regulation Number 109 of 2012 provided the historical legal basis, while Law Number 17 of 2023 concerning Health has reshaped the current framework. At the local level, Bandung City Regional Regulation Number 4 of 2021 concerning Smoke-Free Zones designates public spaces, including city parks, as KTR and establishes institutional obligations and sanctions. However, Susanto (2024) found that KTR implementation depends heavily on public legal awareness and consistent enforcement, while Addardiri et al. (2022) identified challenges in applying administrative sanctions. Similarly, Jadda et al. (2025) and Zuhra et al. (2025) reported enforcement problems in health institutions and government offices, whereas Kuswandari et al. (2021) and Pratama and Maskur (2024) highlighted institutional and budgeting constraints. Rahim et al. (2024) emphasized KTR as an instrument for protecting the social environment, and Ramadani et al. (2024) and Suhadi et al. (2025) reinforced the importance of effective enforcement and sanctions. Thus, KTR effectiveness depends not only on regulatory substance but also on institutional capacity, supervision, public awareness, and consistent sanctions.

Nevertheless, a research gap remains concerning the implementation of KTR specifically in city parks. Existing studies predominantly examine educational institutions, health facilities, government offices, or public spaces in general, with limited attention to city parks as a distinct regulatory environment. This gap is significant because city parks are open and highly accessible spaces used simultaneously by children, adolescents, adults, and older people. Although Bandung's Regional Regulation Number 4 of 2021 explicitly includes city parks within KTR areas, the extent to which its provisions are implemented and enforced in these spaces remains insufficiently examined. The key issue is therefore not merely

whether city parks have been legally designated as KTR, but whether the prohibition is effectively communicated, supervised, complied with, and supported by appropriate sanctions.

The novelty of this study lies in its focused analysis of KTR implementation and enforcement in Bandung's city parks, emphasizing the gap between normative legal provisions and practical enforcement. The study examines KTR not only as a public-health policy but also as a local administrative enforcement mechanism involving regulatory compliance, institutional supervision, and sanctions. This study aims to analyze the implementation of KTR in Bandung's city parks based on Regional Regulation Number 4 of 2021, identify the legal, institutional, and practical obstacles affecting its implementation, and assess the effectiveness of sanctions in promoting compliance. The findings are expected to contribute to the literature on local regulatory enforcement and provide practical input for strengthening KTR governance and ensuring that Bandung's city parks function as healthy public spaces.

2. Methods

This research uses a normative juridical approach. Normative legal research examines legislative regulations from the perspective of the hierarchy of laws (vertical) and the harmonious relationship among laws (horizontal) (Ibrahim, 2008; Addardiri et al., 2022). This normative juridical research is conducted by reviewing and analyzing written legal norms, such as Law Number 36 of 2009 concerning Health and Government Regulation Number 109 of 2012 concerning the Safeguarding of Substances Containing Addictive Materials in the Form of Tobacco Products for Health, as well as regional regulations governing the implementation of Smoke-Free Zones in public facilities, specifically city parks. Data sources are essential in compiling a study. Data sources are categorized as primary and secondary (Ali, 2010). In this study, the researcher obtained primary data through field observations conducted directly at the research location. The observation aims to empirically examine the implementation of the Smoke-Free Zone policy in public facilities, particularly city parks in Bandung.

The secondary data used in this study were obtained from primary, secondary, and tertiary legal materials. Primary legal materials constitute authoritative legal sources that have binding force and are issued by competent institutions in accordance with the hierarchy of legislation. The primary legal materials examined in this study include the 1945 Constitution of the Republic of Indonesia, particularly Article 28H paragraph (1) concerning the right to health; Law Number 36 of 2009 concerning Health; Government Regulation Number 109 of 2012 concerning the Safeguarding of Substances Containing Addictive Materials in the Form of Tobacco Products for Health; and Bandung City Regional Regulation Number 4 of 2021 concerning Smoke-Free Zones. Secondary legal materials consist of sources that provide explanations, interpretations, and analyses of primary legal materials, including scientific journals, reference books, scientific papers, and relevant articles. Tertiary legal materials serve as supporting sources that provide guidance and clarification concerning primary and secondary legal materials, including legal dictionaries and encyclopedias (Kusumastuti, 2019).

Data collection was conducted through a literature review and field observation. The literature review involved reading, identifying, recording, and citing relevant books, scientific publications, legislation, and other documents related to the implementation of Smoke-Free Zones. This process aimed to identify and examine the legal and conceptual foundations relevant to the research problem. In addition, direct observation was conducted in selected city parks in Bandung as the research setting to examine the practical implementation of Smoke-Free Zone provisions. The observation focused on the availability and visibility of no-smoking signs, supporting facilities, supervisory activities conducted by park managers and relevant

regulatory enforcement officers, smoking practices within designated Smoke-Free Zones, and the responses to observed violations, including verbal warnings or other enforcement measures. All observations were systematically documented in field notes and analyzed by comparing empirical field conditions with applicable normative provisions.

3. Results and Discussion

3.1. Normative and Legal Framework: Smoke-Free Zone

The implementation of the Smoke-Free Zone policy in Bandung's city parks demonstrates a relatively strong normative foundation, although its practical effectiveness remains limited. Constitutionally, Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia guarantees every person the right to obtain a good and healthy environment. This provision establishes a fundamental obligation for the state to protect citizens from environmental health risks, including exposure to cigarette smoke in public spaces. Accordingly, the KTR policy can be understood not merely as an administrative prohibition but as a preventive legal instrument for fulfilling the constitutional right to health and a healthy environment (Addardiri et al., 2022).

At the statutory level, Law Number 36 of 2009 concerning Health provides an important legal foundation for KTR through Article 115 paragraph (1), which identifies public places as areas that must be protected from smoking activities. In this context, city parks constitute open public spaces that diverse groups, including children, older adults, and other vulnerable populations, access. The designation of public spaces as KTR therefore reflects the state's responsibility to prevent involuntary exposure to tobacco smoke. This legal position aligns with the broader understanding that public places and other designated areas should be protected from smoking activities (Ali, 2010).

Government Regulation Number 109 of 2012 subsequently strengthened the national framework by regulating the safeguarding of addictive substances in tobacco products and providing a basis for regional governments to formulate and implement KTR policies. This framework allows local governments to adapt KTR implementation to regional characteristics and public needs (Bandung City Communication and Informatics Office, 2026). In Bandung, the policy is operationalized through Regional Regulation Number 4 of 2021 concerning Smoke-Free Zones, which regulates KTR locations, smoking prohibitions, the provision of no-smoking signs, public participation in supervision, and sanctions for violations (Bandung City Government, 2021).

Nevertheless, the normative strength of the regulation is not fully accompanied by detailed operational provisions. The regulation establishes the prohibition and sanctions, but field implementation indicates a lack of sufficiently detailed technical arrangements concerning enforcement procedures in open spaces, including the distribution of enforcement authority, routine supervision mechanisms, and coordination among relevant institutions. This condition creates a gap between *das sollen*, namely what should occur according to legal provisions, and *das sein*, namely what occurs in practice. The existence of a legal norm alone is therefore insufficient when its implementation mechanisms remain unclear (Halawa, 2025).

The findings indicate that the achievement of KTR implementation in Bandung's city parks remains predominantly normative rather than operational. The local government has demonstrated its commitment through the establishment of a specific regional regulation and the provision of physical indicators such as no-smoking signs. However, the continued occurrence of smoking activities indicates that the regulatory framework has not yet been fully internalized as a binding behavioral norm. Therefore, strengthening KTR requires not only regulatory

compliance at the formal level but also operational mechanisms capable of translating legal provisions into consistent practices in public spaces (Marzuki, 2008).

3.2. Implementation of Smoke-Free Zone

Field observations indicate that the implementation of KTR in Bandung's city parks has not operated optimally. No-smoking signs are available at several points, demonstrating that the formal requirements of the regulation have been partially implemented. However, the presence of signs has not been sufficient to prevent violations, as smoking activities continue to occur within park areas. This finding shows that physical facilities can serve as an important communication tool but cannot independently guarantee public compliance with KTR provisions (Rahim et al., 2024).

Smoking was observed in several locations, including crowded areas such as children's play spaces and public seating areas. These conditions are particularly problematic because city parks are shared public environments used by different age groups and social backgrounds. The persistence of smoking in such locations indicates that KTR compliance remains largely voluntary rather than being perceived as a binding legal obligation. This finding aligns with previous research showing that KTR implementation depends heavily on public legal awareness and how fully regulations are internalized in everyday behavior (Halawa, 2025).

The implementation problem is also reflected in the limited enforcement response to violations. Based on the observations, actions taken by authorities or park managers tend to be limited to verbal warnings, while administrative fines and other formal sanctions are rarely applied. Such practices indicate a discrepancy between the sanctioning mechanisms provided by the regulatory framework and their application in the field. In legal terms, sanctions should function as instruments to ensure compliance and control behavior; when sanctions are rarely applied, their preventive and deterrent functions weaken (Horne, 2009).

The limited presence of the Civil Service Police Unit (*Satuan Polisi Pamong Praja/Satpol PP*) in city parks further contributes to the weakness of enforcement. Because supervision is not conducted intensively, violations may occur without an immediate and consistent response. This condition is particularly important in open public spaces, where the absence of continuous supervision can create opportunities for repeated violations. The finding also shows that KTR implementation requires institutional capacity beyond the mere existence of regulations, particularly in monitoring personnel and enforcement consistency (Hamdan, 2026).

The field findings demonstrate that KTR implementation in Bandung's city parks remains at a symbolic stage. The regulation is visible through signage and formal designation, but it has not fully achieved its substantive objective of creating public spaces free from cigarette smoke. The discrepancy between formal designation and actual conditions reinforces the argument that policy effectiveness depends on the interaction between legal rules, institutional enforcement, public awareness, and consistent implementation (Susanto, 2024).

3.3. Barriers to Smoke-Free Zone Enforcement and Sanctions

The weak enforcement of KTR sanctions is influenced by interconnected juridical, institutional, infrastructural, social, and policy-related factors. From a juridical perspective, the main problem concerns the absence of sufficiently detailed technical provisions governing enforcement procedures in the field. When standard operating procedures for identifying violations, issuing sanctions, and determining the responsible officers are unclear, enforcement personnel may hesitate to take firm action. Similar implementation problems have been identified in other regions, where the effectiveness of KTR policies is constrained by weaknesses in the operationalization of sanctions (Jadda et al., 2025).

From an institutional perspective, limited human resources constitute a significant obstacle. Satpol PP has a broad range of responsibilities, meaning that KTR supervision in city parks may not receive continuous attention. The absence of a dedicated KTR task force also limits coordination between the Health Office, Satpol PP, park managers, and other relevant institutions. This condition demonstrates that effective KTR enforcement requires institutional arrangements that clearly distribute responsibilities and establish mechanisms for cross-sectoral coordination (Pratama & Maskur, 2024). Infrastructure and supporting facilities also influence the effectiveness of implementation. Although no-smoking signs have been installed in several locations, the availability and strategic placement of information boards, public education media, and other supporting facilities remain important for strengthening public awareness. Infrastructure should therefore not be viewed merely as a formal requirement but as part of a broader compliance strategy that continuously communicates the purpose and consequences of KTR regulations to park visitors (Rahim et al., 2024).

Social factors constitute another important barrier. Smoking in public spaces remains relatively normalized, reducing the social pressure against violations. When smoking is perceived as ordinary behavior, legal restrictions may have limited behavioral influence, particularly when violations do not generate immediate consequences. This finding corresponds with the broader relationship between legal awareness, health protection, and compliance, in which the effectiveness of regulation depends partly on whether the community recognizes the importance of the protected legal interest (Karwur, 2024). The findings also indicate that local government commitment and consistency of supervision remain important determinants of enforcement effectiveness. Without continuous monitoring and consistent responses to violations, KTR regulations risk losing their coercive character. Previous research similarly shows that weak institutional commitment can reduce the effectiveness of local regulations, particularly when sustained supervision and enforcement mechanisms do not support implementation (Rahmayanti, 2018).

The consequences of weak sanction enforcement extend beyond individual violations. Continued exposure to cigarette smoke means that the fundamental objective of KTR to establish a healthy environment protected from secondhand smoke is not fully achieved. Vulnerable groups, particularly children and older adults who use city parks, consequently remain exposed to potential health risks. The implementation of KTR must therefore be assessed not merely by whether regulations have been enacted, but by whether they effectively provide the protection intended by the regulatory framework (Marzuki, 2008).

Furthermore, inconsistent sanctions can weaken public legal compliance (Fawwaza et al., 2025). When violations are repeatedly followed only by verbal warnings or no meaningful consequences, individuals may perceive that compliance is optional. This undermines the deterrent function of sanctions and weakens the behavioral-control function of administrative law. Consequently, the regulatory objective established through Government Regulation Number 109 of 2012 cannot be fully achieved when enforcement remains inconsistent. Weak enforcement may also undermine public trust in the effectiveness of government regulation. When a prohibition exists formally but is rarely enforced, citizens may perceive the regulation as merely symbolic rather than as an effective public-policy instrument. Such a condition can gradually weaken the legitimacy of the regulatory system and reduce public willingness to comply with other public regulations (Permadi & Maullana, 2025). Thus, strengthening enforcement is necessary not only to reduce smoking violations but also to maintain the credibility of local government as the institution responsible for protecting public health.

3.4. Strategies for Strengthening Smoke-Free Zone Implementation

The findings indicate that strengthening KTR implementation requires an integrated approach combining regulatory, institutional, infrastructural, social, and enforcement measures. First, the local government needs to formulate clearer technical provisions governing enforcement in city parks. Standard operating procedures should specify how violations are identified, which officers are authorized to respond, the stages of warnings and sanctions, and how violations are documented and followed up. Clear procedures can provide legal certainty for enforcement officers and reduce hesitation in applying sanctions (Pogasang & Prianto, 2024).

Second, institutional capacity needs strengthening through the establishment of a dedicated or coordinated KTR task force involving the Health Office, Satpol PP, park managers, and other relevant stakeholders. Such an arrangement would facilitate routine monitoring, clarify institutional responsibilities, and improve coordination in responding to violations. Cross-sectoral cooperation is particularly important because KTR implementation involves not only law enforcement but also health promotion, public-space management, and community education (Pratama & Maskur, 2024; Yunara et al., 2025).

Third, supporting infrastructure should be improved of strategically placing no-smoking signs, information boards, educational media, and other communication facilities. These facilities should be positioned at entrances, children's play areas, seating areas, and other locations with high visitor activity. Such measures can reinforce the visibility of KTR rules while supporting preventive and educational approaches to compliance (Rahim et al., 2024). Fourth, public education and socialization should continue beyond the introduction of regulations. Education should communicate not only the prohibition itself but also the health rationale, legal consequences, and collective responsibility associated with maintaining smoke-free public spaces. Previous research indicates that law enforcement is more effective when accompanied by public awareness and consistent socialization, allowing persuasive measures to complement rather than replace formal enforcement (Ramadani et al., 2024).

Local governments need to demonstrate stronger commitment through consistent enforcement of sanctions. Verbal warnings may serve as an initial educational measure, but repeated or intentional violations should receive proportional administrative sanctions in accordance with applicable regulations. Consistent enforcement can strengthen the deterrent effect of smoke-free area provisions, encourage public compliance, and reinforce legal awareness. Over time, this approach can transform compliance from a voluntary behavior into an internalized legal obligation and support the effective implementation of smoke-free area policies (Sari, 2023).

The research shows that the main challenge of KTR implementation in Bandung's city parks is not the lack of a legal basis but the gap between normative provisions and enforcement practices. The regulation establishes a legal obligation to maintain smoke-free public spaces, and basic implementation indicators such as no-smoking signs are already in place. However, weak supervision, limited institutional capacity, unclear enforcement procedures, inadequate supporting facilities, low legal awareness, and inconsistent sanctions prevent the policy from achieving its substantive objectives. Similar enforcement challenges identified in Surabaya, Barru, Agam, Ambon, and other regions further demonstrate that the problem is not unique to Bandung but reflects a broader challenge in translating KTR regulations into effective local governance (Pratama & Maskur, 2024; Jadda et al., 2025; Zuhra et al., 2025). Therefore, the effectiveness of KTR in Bandung's city parks depends on the government's ability to bridge the gap between law in the books and law in action through clear procedures, coordinated institutions, continuous supervision, public education, and consistent sanctions.

4. Conclusion

This study concludes that the implementation of the Smoke-Free Zone policy in Bandung's city parks is normatively established but operationally suboptimal. Bandung City Regional Regulation Number 4 of 2021 provides a clear legal basis for protecting public spaces from cigarette smoke; however, field observations indicate that smoking violations continue to occur and enforcement remains largely limited to verbal warnings. The effectiveness of the policy is constrained by unclear technical enforcement procedures, limited supervisory personnel, inadequate supporting facilities, weak inter-agency coordination, and low public legal awareness. The KTR policy has not yet achieved its substantive objective of ensuring smoke-free public spaces and remains partly symbolic in practice.

These findings have important policy implications. The Bandung City Government should strengthen technical enforcement guidelines and standard operating procedures, increase the capacity and presence of enforcement personnel, establish stronger cross-sectoral coordination, and improve KTR supporting facilities. Continuous public education should also accompany consistent and proportional sanctions to strengthen both legal awareness and deterrence. Such measures are essential to transform KTR from a formal regulatory instrument into an effective public-health protection mechanism.

This study has several limitations. The analysis is focused specifically on city parks in Bandung and relies primarily on normative legal analysis and direct observation. Therefore, the findings do not necessarily represent KTR implementation across other public facilities or regions, and the study does not quantitatively measure public perceptions or compliance levels. Future research should examine KTR implementation across different types of public spaces and compare Bandung with other cities. Further studies could also use mixed methods by combining legal analysis and observation with surveys or interviews involving park visitors, park managers, Satpol PP officers, and policymakers to provide stronger evidence on compliance, enforcement effectiveness, and the factors shaping public behavior.

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Ethical Approval and Originality Statement

Ethical approval was obtained for this study. The manuscript represents original work and has not been previously published, nor is it under consideration by another journal.

Data Disclosure Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.



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