

# Tobacco Control

## **POLICY INCOHERENCE AND TOBACCO CONTROL IN INDONESIA: AN ANALYSIS OF THE NATIONAL TOBACCO- RELATED POLICY MIX**

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# POLICY INCOHERENCE AND TOBACCO CONTROL IN INDONESIA: AN ANALYSIS OF THE NATIONAL TOBACCO- RELATED POLICY MIX

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## ABSTRACT

**Introduction:** Indonesia has a high smoking prevalence that has not diminished significantly since 1990. Considering this, we aim to summarize the existing national tobacco-related policy mix and explore markers of policy incoherence in tobacco control between 2014-2020.

**Methods:** We conducted (1) A review and synthesis of Indonesian tobacco-related legislation and regulations; (2) A systematic search and synthesis of related literature and news reporting; (3) Interviews with tobacco control activists and academics to understand political will towards tobacco control regulations and the tobacco industry.

**Results:** Indonesia's existing tobacco-related policy mix lies across the president's office, six national ministries, and one independent agency. However, current responsibility lies primarily with four government ministries: Health, Finance, Communication and Information, and Trade and Industry, with the Ministry of Finance most active. Evidence demonstrates that official inter-ministerial collaboration was lacking from 2014-2020 and suggests that institutional will to introduce more effective tobacco control varies considerably between different arms of government.

**Discussion:** Political will differs according to ministerial mandates and priorities, fostering a fragmented policy approach and undermining the development of a coherent response.

Without political will from the president or national parliament to create an overarching framework for tobacco control, either via ratification of the FCTC or another mechanism, there remains no formal impetus for intra-governmental cooperation. Nonetheless, this analysis reveals some governmental progress and "pressure points" that advocates can focus on to promote tobacco control policies within the current policy mix.

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3 *What we know:*  
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- 5 • Smoking rates in Indonesia are high and have not significantly decreased in the past  
6 two decades, unlike most other countries in the world.  
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- 8 • The Indonesian government has not signed the FCTC and lacks an overarching  
9 national framework for implementing more effective tobacco control policies.  
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13 *What this paper adds:*  
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- 15 • This study charts the national legislative framework for tobacco control in Indonesia,  
16 outlining 14 key national laws that could be applied to a broad tobacco regulatory  
17 framework. However, of these 14 laws, only 5 have associated regulations that have  
18 been applied specifically to the purpose of tobacco control.  
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- 23 • We identify the Indonesian ministries of Health, Finance, Industry and Trade, and  
24 Communication and Information as playing the most substantive role in tobacco-  
25 related policy, with Health and Finance currently most active. Identifying these key  
26 institutions, their current regulatory roles and attitudes towards tobacco control allows  
27 advocates to tailor targeted lobbying efforts towards these actors.  
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- 33 • Interviews with tobacco control activists and academics reveal that the political will  
34 of these ministries to better regulate the tobacco industry varies significantly. They  
35 also highlight that developments from 2014–2020 have been disappointing.  
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- 43 • Indonesian national tobacco policy is characterized by policy incoherence,  
44 underpinned by a both a lack of political will amongst key ministries and a lack of  
45 impetus to collaborate in creating and implementing regulations. Despite this,  
46 Indonesia has made positive steps towards tobacco control, including recent tobacco  
47 excise hikes in 2020 and 2021. However, overcoming enduring incoherence will  
48 require a concerted effort from the central government, under a supportive President,  
49 who can compel ministries to work together under a national framework.  
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# **POLICY INCOHERENCE AND TOBACCO CONTROL IN INDONESIA: AN ANALYSIS OF THE NATIONAL TOBACCO- RELATED POLICY MIX**

## **INTRODUCTION**

Indonesia has a high prevalence of tobacco use compounded by an ongoing failure to substantially decrease smoking rates.[1] While estimates vary, the most recent Ministry of Health national survey reported that 62.9% of adult males and 4.8% of females are smokers,[2] amongst the highest male rates in the world.[3,4] There are also concerns about youth uptake, with rates increasing from 7.2% in 2013 to 9.1% in 2018 amongst 10–18-year-olds.[5] Despite the morbidity and mortality associated with smoking,[6] rates of tobacco consumption in Indonesia suggest that national policies to curb smoking and protect the public from tobacco-related harms lag behind other countries, both regionally and globally.

The World Health Organization’s (WHO) Framework Convention for Tobacco Control (FCTC) emphasises multisectoral tobacco control efforts, identifying policy interventions which can act, in concert, to reduce tobacco supply and demand.[7] While FCTC ratification is not essential for government progress on tobacco control, it nonetheless offers a structured approach for developing evidence-based policy interventions. To promote multisectoral cooperation, Article 5 of the FCTC requires signatories to develop a government focal point for tobacco control that oversees a coherent policy approach to regulation.[8]

Indonesia has neither ratified the FCTC, nor does it have a national framework for tobacco control. While there has been progress on tobacco control, existing tobacco-related policies comprise a complex arrangement of strategies overseen by various institutions within the government that can be characterized as a “policy mix .”[9] Responsibility for tobacco

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3 control initiatives is divided amongst various national ministries, with some realms, such as  
4 the implementation of smoke-free areas, left primarily to sub-national governments. Some  
5 government institutions, broadly speaking, support stricter tobacco control measures, while  
6 others are inconsistent in their approach or even closely aligned with the tobacco industry.  
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8 Moreover, the attitudes of key individual decision-makers, such as the president and  
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control initiatives is divided amongst various national ministries, with some realms, such as the implementation of smoke-free areas, left primarily to sub-national governments. Some government institutions, broadly speaking, support stricter tobacco control measures, while others are inconsistent in their approach or even closely aligned with the tobacco industry. Moreover, the attitudes of key individual decision-makers, such as the president and ministers, strongly influence policy priorities.

These dynamics characterize the “realities of political opportunities and constraints,” determining the likelihood of particular policy.[10] In this paper we focus on the question of coherence within Indonesia’s policy mix. Policy coherence—the “synergistic and systematic” processes that contribute to an overall policy objective, across and within governmental jurisdictions—is crucial for effective, multisectoral tobacco control policies.[11-13] Coherence is best enabled when political will across relevant institutions aligns, manifesting through cooperative actions towards shared goals.

This paper assesses Indonesia’s recent progress towards a more coherent regulatory framework for tobacco control, examining existing regulations and political will amongst key national institutions. We focus on the period 2014-2020, as this captures developments under the current political administration of President Joko Widodo, elected in 2014. To identify key barriers to coherence, we aim to: (1) establish the policy mix by summarizing national policy instruments and key executive institutions involved in creating tobacco regulation; and (2) examine political will amongst key national ministries. A nuanced analysis of the policy mix that considers how existing government structures, divisions of responsibility and ministerial priorities shape tobacco policy helps identify avenues for improvement.[14] This

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3 evidence base provides a critical tool for campaigns that advocate for a national tobacco  
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5 control framework and interventions across different government institutions.  
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## 10 **METHOD**

### 11 *Design and Data Sources*

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13 Our approach involves qualitative analyses of two data sets. The first is a systematic review  
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15 of Indonesian legislation and regulations, and relevant published literature, focusing on the  
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17 period 2014-2020. We conducted an internet search for legal instruments using the website  
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19 *Tobacco Control Laws*, a project of the International Legal Consortium of the Campaign for  
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21 Tobacco-free Kids.[15] Noting that the website omitted more general laws that could  
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23 influence tobacco regulations, particularly from a rural or industry perspective, we identified  
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25 further laws through a keyword search via the Indonesian government regulations database,  
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27 the Network for Documentation and Legal Information. We also searched keywords  
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29 “farmers” and “tobacco” on the Ministry of Agriculture and “tobacco,” and “cigarettes” on  
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31 the Ministry of Trade and Industry websites. Supplementary information, including media  
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33 reporting and relevant reports in English and Indonesian, was also collected via internet  
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35 searches (using Google and Google Scholar), incorporating key words from the title of each  
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37 policy identified.  
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47 Secondly, we conducted semi-structured, face-to-face, interviews (N=13) with key  
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49 informants from March-August 2019. Participants included advocates from non-  
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51 governmental organizations (n=7), academics (n=4), and civil servants (n=2). The questions  
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53 were adapted to each interviewee to ensure relevance. We asked participants open-ended  
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55 questions about (1) their assessment of existing regulations (2) their observations about  
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57 implementing tobacco control policy (3) their opinions about what factors influenced tobacco  
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3 policy outcomes and (4) which government institutions they believed support tobacco control  
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5 initiatives and which do not.  
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### 10 *Analyses*

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12 We identified laws for specific articles that are used, or could potentially be used, to regulate  
13 the promotion, production, sale, restriction, taxation and excise, and advertising of tobacco  
14 products. We identified specific articles within legislation that mentioned tobacco (*tembakau*)  
15 and/or cigarettes (*rokok*) through a keyword search. In addition, we reviewed other policy  
16 documents with relevance to tobacco issues in Indonesia, including those related to farmer  
17 protection and industry. Supplementary materials gathered through Internet searches were  
18 reviewed and analysed to identify additional commentary, specifically critiques that emerged  
19 in relation to improving tobacco control in Indonesia.  
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33 After a close reading of interview transcripts, we sorted data according to associated  
34 government institution, then extracted instances where interviewees offered an opinion on  
35 government policy and institutional support for tobacco control. Relevant data were  
36 thematically coded based on (1) aspect of tobacco policy (key nodes: government  
37 coordination, taxation/excise, advertising, smoke-free areas, agriculture/farming regulation,  
38 industry regulation) and (2) nature of support for tobacco control (key nodes: positive,  
39 negative, neutral). This coding helped to develop a narrative of the contemporary context and  
40 conditions surrounding tobacco policy. Interviews were conducted per University of Sydney  
41 Human Research Ethics Guidelines, with project approval number 2018/192.  
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## RESULTS

### *Creation of policy*

There are eight governmental jurisdictions under which laws and regulations are in effect, with varying realms of administrative authority (see Table 1). Policy creation occurs in both legislative and executive realms, where legislative bodies create laws and executive bodies (president, cabinet and ministers) issue regulations to enact these laws.

**Table 1:** Legislative and Regulatory Framework in Indonesia [16]

Level of Government	Name of Regulation	Authority
National Legislature ( <i>Dewan Perwakilan Rakyat Republik Indonesia, DPR-RI</i> )	National Law ( <i>Undang-Undang</i> )	Comprised of elected officials who are responsible for drafting and approving all national laws. These laws can only be overturned if found to contradict the Constitution or if superseded by a newer law.
President ( <i>Presiden</i> )	Presidential Regulations ( <i>Peraturan Presiden</i> )	Elected by popular vote, may issue a regulation to establish a statute but cannot issue a regulation that contradicts existing law.
Cabinet ( <i>Kabinet</i> )	Government Regulation ( <i>Peraturan Pemerintah</i> )	Appointed by the President. Multiple Cabinet members (i.e. ministers) can agree to issue a whole-of-government regulation. These regulations usually concern multiple ministries, both in terms of impact and responsibility for implementation.
Minister ( <i>Menteri</i> )	Ministerial Regulation ( <i>Peraturan Menteri</i> )	A minister may issue a regulation to clarify implementation of laws falling under their purview.
Provincial Legislature ( <i>Dewan Perwakilan Rakyat Propinsi</i> )	Provincial Regulation ( <i>Peraturan Daerah Propinsi</i> )	Made up of elected legislators who may enact laws applying within their province.
Governor ( <i>Gubernur</i> )	Gubernatorial Regulation ( <i>Peraturan Gubernur</i> )	Directly elected by citizens, can issue regulations for implementation of existing national laws and policies within their province.
Regional Legislature ( <i>Dewan Perwakilan Rakyat Daerah, DPRD</i> )	District/City Regulation ( <i>Peraturan Daerah</i> )	Made up of elected legislators, may enact laws that apply within their district/city.
Regent or Mayor ( <i>Bupati or Walikota</i> )	Regency or Mayoral Regulation ( <i>Peraturan Bupati or Walikota</i> )	Directly elected by citizens, can issue regulations for implementation of existing national laws and policies within their district.

The highest legal authority for policy creation is the national legislature, with these laws ultimately guiding the enactment of policies by lower levels. While ministers are able to advocate for increased funding towards priority issues through the annual national development planning consultations (known as *Musrembangnas*) and the parliamentary

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3 budget committee (known as *Banggar*), the national parliament must still approve the annual  
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5 ministerial budgets.[17]  
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### 10 *Existing policy mix*

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12 We identified 15 existing national laws (see Supplementary Material 1) relevant to tobacco  
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14 policy. Five of these laws have accompanying implementation regulations impacting the  
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16 tobacco industry and/or tobacco control: the laws on (1) Industry, (2) National Long-Term  
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18 Planning and Development, (3) Protection and Empowerment of Farmers, (4) Excise, and (5)  
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20 Health. As of October 2020, these laws have 16 associated regulations including 3  
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22 presidential decrees, 1 government (cabinet) regulation, 11 ministerial regulations and 1  
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24 independent agency regulation (see Table 2). In addition to the president and cabinet, 6  
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26 national ministries and 1 independent agency have issued regulations: (1) Ministry of  
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28 Agriculture, (2) Ministry of Finance (3) Ministry of Health, (4) Ministry of Internal Affairs,  
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30 (5) Food and Drug Supervisory Agency, (6) Ministry of Education and Culture, and (7)  
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32 Ministry of Trade and Industry.<sup>1</sup> A more detailed summary of the policy implications of these  
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34 regulations is available in Supplementary Material 2.  
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43 **Table 2.** Key regulations related to tobacco by executive government agency

44 Law	45 Year	46 Regulation
47 <b>President of Indonesia</b>		
48 Law No.3/2014 on Industry	2016	Presidential Decree No.44/2016 on lists of businesses that are closed and business fields that are open with conditions to investment
49 Law No.24/2011 on Social Security Administering Bodies	2019	Presidential Decree No.75/2019 on the National Health Scheme (replacing previous Presidential Decree No.82/2018 on the National Health Scheme)
50 Law No.17/2007 on National Long-Term Development Planning	2020	Presidential Decree No.18/2020 on the National Medium-Term Development Plan
51 <b>Ministry of Agriculture</b>		

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59 <sup>1</sup> The Ministry of Trade and Ministry of Industry were previously separate entities but were united under the  
60 2014-2019 government administration.

Law No.19/2013 on the Protection and Empowerment of Farmers	2019	Ministry of Agriculture Regulation No.23/2019 on Technical Recommendations for the Import of Tobacco
<b>Ministry of Finance, Directorate General of Customs and Excise</b>		
Law No.39/2007 on Excise	2016	Ministry of Finance Regulation No.28/PMK.07/2016 on the use, oversight and evaluation of funds from the Profit Sharing of Tobacco Excise (Dana Bagi Hasil Cukai Hasil Tembakau, DBHCHT)
	2017	Ministry of Finance Regulation No.146/ PMK.010/2017 on Excise Tariffs for Tobacco Products
	2017	Ministry of Finance Regulation No.222/PMK.07/2017 on the use, oversight and evaluation of Funds from the Profit Sharing of Tobacco Excise
	2018	Ministry of Finance Regulation No.156/PMK.010 /2018 (amendment to Regulation No.146/PMK.010/2017 on excise tariffs for tobacco products)
	2019	Ministry of Finance Regulation No.152/PMK.010 /2019 (second amendment to Regulation No.46/PMK.010/2017 on excise tariffs for tobacco products)
	2020	Ministry of Finance Regulation No.198/PMK.010 /2020 (third amendment to Regulation No.46/PMK.010/2017 on excise tariffs for tobacco products)
Law No.17/2007 on National Long-Term Development Planning	2020	Ministry of Finance Regulation No.77/PMK.01/2020 on Minister of Finance Strategic Plan for 2020-2024
<b>Ministry of Health</b>		
Law No.36/2009 on Health	2013	Ministry of Health Regulation No.28/2013 on the inclusion of health warnings on tobacco product packaging
	2016	Ministry of Health Regulation No.40/2016 technical guide for the use of tobacco taxes for the delivery of health services to citizens
	2016	Ministry of Health Regulation No.50/2016 on guidelines for managing conflict of interests with the tobacco industry within the Ministry of Health
	2017	Ministry of Health Regulation No.56/2017 amendment to the regulation on the inclusion of health warnings on tobacco product packaging
<b>Ministry of Internal Affairs</b>		
Law No.36/2009 on Health	2017	Ministry of Internal Affairs Regulation No.33/2017 that guide the use of local budgets and procurement in 2018
<b>Cabinet</b>		
Law No.36/2009 on Health	2012	Government Regulation No.109/2012 concerning materials that contain addictive substances (tobacco products) in the interests of health
<b>Ministry of Health and Ministry of Internal Affairs (joint regulation)</b>		
Law No.36/2009 on Health	2011	Joint Ministerial Regulation No.188/Menkes/PB/I/2011-No.7/2011 on guidelines relating to the implementation of smoke-free areas
<b>Food and Drug Supervisory Agency</b>		
Law No.36/2009 on Health	2013	FDSA Regulation No.41/2013 on the supervision of tobacco products in distribution, the inclusion of health warnings in advertisements and tobacco product packaging, and promotion
<b>Ministry of Education and Culture</b>		
Law No.36/2009 on Health	2015	Ministry of Education Regulation No.64/2015 on smoke-free areas in school environments [ <i>includes sale and marketing bans</i> ]
<b>Ministry of Trade and Industry</b>		
Law No.3/2014 on Industry	2014	Ministry of Industry Regulation No.64/M-IND/PER/7/2014 on the oversight and control of cigarette industry companies

Of the three Presidential decrees, only one explicitly addresses tobacco control. The 2020 decree on the National Medium-Term Development Plan permits the Ministry of Finance to increase targeted contributions from tobacco excise in its annual budget. It does not, however,

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3 make clear whether increased contributions should derive from higher taxes and/or excise, or  
4 from increases in cigarette sales. The decree also allows for simplified cigarette excise  
5 structures, but regulations to simplify these structures already existed under a 2017 Ministry  
6 of Finance regulation. Moreover, the decree specifies that tobacco tax and excise increases  
7 must be gradual to mitigate negative impacts on farmers and industry workers. This decree  
8 also provides the Ministry for Development and Planning with a mandate for coordinating  
9 policy strategy to reducing smoking rates amongst 10–18-year-olds. However, being  
10 empowered to coordinate strategy still relies on political will from relevant ministries and the  
11 decree includes no sanctions against Ministries that fail to cooperate. While serving to  
12 highlight certain policy areas, this decree did little to progress concrete policy change or  
13 coordination amongst ministries.  
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31 The majority of Indonesia’s tobacco control policy instruments (9 regulations) derive from  
32 the 2009 Law on Health. Other tobacco control regulations were issued under the 2009 Law  
33 on Excise, which guides the tax and excise policy for the Ministry of Finance, and the 2014  
34 Law on Industry, which informs oversight of the cigarette industry. Conspicuously absent in  
35 the policy mix is the Ministry of Communication and Information, responsible for overseeing  
36 tobacco advertising and portrayals in media. This ministry has issued none of its own  
37 regulations, instead deferring to policies for tobacco in advertising and media included in the  
38 2012 Government Regulation, developed by Cabinet.  
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51 An investigation of current policy instruments captures existing regulations but there is also  
52 policy-related activity that does not result in regulation. For example, the Ministry of Trade  
53 and Industry promulgated tobacco-related policies that were not implemented owing to  
54 judicial intervention. In 2014, the ministry created a national “tobacco industry roadmap,”  
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3 which aimed to boost the industry and set increasing cigarette production targets over a 5-  
4 year timeframe [18]. This policy was overturned by the Supreme Court, who deemed it to  
5 breach existing Laws on Health, Human Rights, Excise, and the Protection of Children. The  
6 trade-focused arm of the Ministry of Trade and Industry also attempted to regulate the import  
7 of tobacco leaves in 2017 (draft Ministry of Trade Regulation No.84/2017), but the regulation  
8 stalled, primarily due to internal dissent from the industry-focused side of the ministry.[19]  
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10 Although this Ministry was unable to enact this regulation, the Ministry of Agriculture took  
11 its own steps to address the issue with Regulation No.23/2019 on the Technical  
12 Recommendations for the Import of Tobacco. This requires tobacco importers to gain  
13 permission from the Ministry of Agriculture to import tobacco, as well as compelling them to  
14 locally source at least two-thirds of their raw tobacco unless they can demonstrate that local  
15 production is insufficient to meet demand. The underlying aim of the policy was to protect  
16 markets for local tobacco farmers and safeguard the profitability of growing tobacco.  
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35 Other ministries involved in public debates on tobacco policy lack authority to enforce  
36 relevant regulations themselves. For example, the Ministry for Development and Planning  
37 highlighted a national decline in the smoking rate among those below age 18 and the  
38 implementation of smoke free areas as key indicators in its 2019 work plan for “strengthening  
39 the movement for healthy living and preventing disease.”[20] This plan was supported by  
40 Presidential Regulation No.72/2018. In 2020, this Ministry underscored its interest in tobacco  
41 control as a development issue, but also recognized the need to balance the health risks of  
42 smoking with impacts on industry jobs.[21] However, the Ministry has no authority to issue  
43 regulations in this realm, relying on support from the ministries of Finance, Trade and  
44 Industry, and Internal Affairs, as well as sub-national actors.  
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3 Similarly, the Ministry for Women’s Empowerment and Child Protection has issued a 24-  
4 point plan for “child friendly cities” (*kota layak anak*), which includes restricting advertising  
5 billboards, distribution of free samples, sponsorship of sport and music events, and the  
6 creation of merchandise for children.[22] This Ministry also launched a “Smoke Free  
7 Family” (*keluarga bebas rokok*) movement in 2020.[23] However, while it has the capacity  
8 to promote these initiatives, the Ministry relies on local governments to create regulations and  
9 monitor enforcement.  
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### 22 ***Evidence of political will***

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24 Political will is a fundamental driver of policy coherence. The key ministries involved in  
25 tobacco regulation each have their own institutional priorities. Lacking presidential  
26 leadership that compels them to cooperate, or a parliament willing to pass legislation creating  
27 a national tobacco control framework, policy coherence hinges on the willingness of  
28 decision-makers within ministries to collaborate. Media reporting and official statements  
29 from 2014-2020 provide some insight into actions by ministries related to tobacco control  
30 (Table 3). The data reveal that the Ministry of Finance has been most active in creating  
31 policy, particularly post-2019. The Ministry of Health implemented internal policies to guard  
32 against conflict of interest with the tobacco industry, as well as lobbying the Ministry of  
33 Communication and Information to better enforce regulations on online advertising and  
34 portrayals of smoking.  
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**Table 3.** Tobacco-related actions amongst key ministries (2014-2020)

<b>Ministry</b>	<b>Tobacco policy focus</b>	<b>Indicative policy actions/statements</b>
<b>Health</b>	Protect citizens from risks to health	<ul style="list-style-type: none"> <li>Implemented regulation for managing conflict of interest with tobacco companies within Ministry</li> <li>Signed joint regulation with Ministry of Interior to implement smoke-free areas nationwide</li> <li>Inclusion of larger health warnings on cigarette packaging</li> <li>Officially petitioned Ministry of Communications and Information to enforce tobacco advertising and portrayal in media regulations on the internet</li> </ul>
<b>Finance</b>	Oversee creation and implementation of tax and excise policy	<ul style="list-style-type: none"> <li>Chose to delay tax increases on tobacco products scheduled for 2019</li> <li>Issued statements highlighting key role of the tobacco industry in generating government revenue and outlining budget concerns if cigarette consumption decrease led to decreased tax revenue</li> <li>Increased cost of cigarettes by mandating a minimum sale price per cigarette</li> <li>Increased cigarette excise by 23% in 2020</li> <li>Increased cigarette excise by 12.5% for 2021</li> <li>Has made moves to develop clearer e-cigarette tax and excise regulations</li> </ul>
<b>Trade and Industry</b>	Protect jobs and industries that generate employment	<ul style="list-style-type: none"> <li>Released multiple public statements supporting cigarette manufacturers with respect to employment generated</li> <li>Created a pro-industry Tobacco “Road Map” that would have seen production increase over time</li> </ul>
<b>Information and Communication</b>	Oversee advertising and portrayals in media	<ul style="list-style-type: none"> <li>Was not actively monitoring cigarette portrayals in online forums, which was their responsibility, but corrected this after a Ministry of Health request to improve oversight in online portrayals of cigarettes and smoking</li> </ul>
<b>Education and Culture</b>	Protect the health of students	<ul style="list-style-type: none"> <li>Regulated smoking and tobacco-related advertising in learning environments</li> <li>Smoke-free areas on all school grounds</li> </ul>
<b>Interior</b>	Coordinate enforcement of national laws at the local level	<ul style="list-style-type: none"> <li>Created a joint agreement to facilitate smoke-free areas at sub-national levels</li> </ul>
<b>Agriculture</b>	Protect farmers	<ul style="list-style-type: none"> <li>Issued statements against increase of taxes on tobacco products, citing negative impact on tobacco farmers</li> <li>Created regulations to safeguard local tobacco production and sales</li> <li>Has chosen not to prioritize programs to support tobacco farmers who want to shift to other crops</li> </ul>

**Key Informant Interviews**



Key informant interviews generated insights that were used to further assess political will for tobacco control amongst government institutions. Here, our results focus on critiques pertaining to the 4 ministries with the most significant roles in tobacco regulation: the ministries of Health, Finance, Communication and Information, and Trade and Industry (Table 4).

**Table 4.** Support for tobacco control initiatives amongst key ministries—key indicative quotations (translated from Indonesian)

Ministry	Key quotations
Health	<ul style="list-style-type: none"> <li><i>The Ministry of Health did change the plain packaging [regulations] a few years ago, but since then there haven't been many changes. But it's difficult for them. There are a lot of issues to focus on and without a directive from [the President] and if the Minister isn't making it a priority, I don't think much will change.</i> [Respondent 1, academic]</li> <li><i>To be honest, we're disappointed with her [the Minister for Health]. We're actually going to send a dirty ashtray award to her to show her that she needs to do more.</i> [Respondent 3, tobacco control advocate]</li> <li><i>One of the reasons we have to work so hard is that the government isn't doing enough. There hasn't been much progress in the last few years. If the Ministry of Health made this a priority that would be excellent. But as it is, we haven't seen as much progress as we would like.</i> [Respondent 7, tobacco control advocate].</li> </ul>
Finance	<ul style="list-style-type: none"> <li><i>The Ministry are interesting... We have tried several times to get a meeting with them [about tax and excise increases for cigarettes], but it's always difficult. But they meet with people from the [tobacco] industry. We know they've met with them, but they don't share the outcomes of those meetings with us.</i> [Respondent 5, tobacco control advocate]</li> <li><i>We managed to organise a meeting with some representatives from the Ministry [in 2019], and when we showed up, we saw they also invited people from tobacco companies. We were shocked to see them. It was extremely uncomfortable... it felt like they just invited them there to argue with us about why tobacco taxes should not go up. I didn't really know what to do. How were we supposed to talk openly about policy and our concerns with those people in the same room?</i> [Respondent 5, tobacco control advocate]</li> </ul>
Trade and Industry	<ul style="list-style-type: none"> <li><i>The tobacco industry in Indonesia is extraordinarily strong... I think that the Ministry of Industry wants to help them, make sure they stay successful. It won't be good if a big industry in Indonesia suffers.</i> [Respondent 4, academic]</li> <li><i>It would be very bad for the Ministry if the tobacco industry went under. I don't know if [people in the Ministry] support smoking, but they definitely support the industry.</i> [Respondent 6, academic]</li> </ul>
Information and Communication	<ul style="list-style-type: none"> <li><i>It feels like we always have to remind the Ministry about their job. We report violations [of advertising regulations] and sometimes they respond, sometimes they don't.</i> [Respondent 2, tobacco control advocate]</li> <li><i>I saw some great news [in 2019], the Ministry... is going to do something about online advertising. I saw it in the news, the Minister agreed. But the truth is, they should have been monitoring the internet [for portrayals of smoking and advertising] ... I don't think they would have done anything if there wasn't so much public attention on the issue.</i> [Respondent 5, tobacco control advocate].</li> <li><i>The Ministry are crucial for us... for protecting children [from cigarette advertising], I get so angry when I see [cigarette] advertisements on TV or those big billboards. They need to do something about it, but it's just too normal.</i> [Respondent 6, tobacco control advocate].</li> </ul>

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3 Comparing the actions highlighted by our desk review to the interview results, the question of  
4 political will amongst key ministries becomes more complex. While the Ministry of Trade  
5 and Industry apparently lacks the political will to contribute to stronger national tobacco  
6 control policies, many tobacco control activists and academics were also disappointed with  
7 the Ministry of Health's progress in this sphere. These interviews also highlighted industry  
8 influence in policy discussions, particularly within the Ministry of Finance. Furthermore, the  
9 Ministry of Communication and Information's lack of commitment to enforcing advertising  
10 regulations on an ongoing basis was evident.  
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## 24 **DISCUSSION**

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26 Our analysis of Indonesia's tobacco-related policy mix reveals no cooperative policies issued  
27 between 2014–2020. This is partially explained by collaborations undertaken prior to this  
28 timeframe, such as the Cabinet-issued wide-ranging Government Regulation No.109/2012  
29 concerning materials that contain addictive substances, which was attached to the 2009 Law  
30 on Health, and the joint regulation between the ministries of Health and Interior on guidelines  
31 related to the implementation of smoke-free areas. The ministries of Health, Internal Affairs,  
32 Education and Culture, and the Food and Drug Supervisory Agency have all enacted  
33 individual regulations pertaining to this 2009 law. No cabinet or inter-ministerial joint  
34 regulations were issued after 2012.  
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50 In terms of individualised portfolio responses, the Ministry of Health issued 3 relevant  
51 regulations between 2014 and 2020, 2 of which pertained directly to a tobacco control  
52 agenda—taking steps to manage conflict of interests with the tobacco industry within the  
53 Ministry of Health itself (notably, no other ministries have such regulations) and imposing  
54 stricter regulations for health warnings on tobacco packaging. However, interview data  
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3 suggest that activists felt that the Ministry of Health was not prioritising tobacco control.

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5 Thus, while the Ministry of Health made some gains, tobacco control advocates were  
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7 disappointed with the institution's political will in this realm.  
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12 The Ministry of Finance's core responsibility is to manage budgeting and ensure there are  
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14 adequate funds to meet government expenditure. Responsibility for taxation and excise, a  
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16 lynchpin of tobacco control policy, lies with this ministry. Effective tobacco tax policy can  
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18 decrease smoking rates, as well as discouraging youth uptake.[24,25] The tobacco industry is  
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20 considered a vital contributor to Indonesia's budget, with the Ministry declaring that it  
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22 contributed Rp 153 trillion (approximately USD 10.9 billion) in 2018.[26] The Ministry has  
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24 identified this as a key consideration for tobacco tax policy.[27] It has been reticent to  
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26 increase tobacco taxes in the past. This was acutely evident in 2018 when concerns about  
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28 voter backlash during an election year were suspected to have influenced the cancelling of  
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30 planned excise hikes in 2019.[28,29]  
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38 Since the end of 2019 there has been a discernible shift, with the passing of regulations to  
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40 increase base cigarette prices and tobacco excise. 2020 saw the average excise tariff increase  
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42 by 23% and the minimum retail price increased by an average of 35%. It also updated the  
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44 existing banderol price regulations set in 2018, through which the Indonesian government  
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46 prevented cigarette companies from decreasing their prices in order to minimize the impact of  
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48 percentage-based tax increases.[30] While excise costs are born by the manufacturer and may  
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50 or not be passed on to consumers via price increases, minimum price increases affect  
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52 consumers. Increasing excise is a positive step towards curbing smoking rates but, even with  
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54 these increases, cigarette excise in Indonesia falls well below the WHO recommendation that  
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56 excise and taxes account for a minimum of 70% of cigarette retail price.[31]  
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5 The Ministry of Finance's realm of responsibility means that it must balance financial  
6 impacts of tobacco control policy against other benefits. The Minister of Finance herself  
7 identified five considerations when determining tobacco tax policy, including (1) need to  
8 decrease consumption; (2) impact on workers in the tobacco sector; (3) impact on tobacco  
9 farmers; (4) need to ensure that higher prices do not incentivise illegal trade in cigarettes and  
10 (5) need to support the government budget, setting a goal of obtaining Rp. 173.78 billion  
11 (approximately USD 12.34 billion) from cigarette tax and excise.[32] Key informants point to  
12 a close relationship between industry and some individuals within the ministry, complicating  
13 advocacy efforts. The Ministry has experienced pushback from the tobacco industry in its bid  
14 to simplify the complex tiered excise structure for cigarette manufacturers, where distinct  
15 types of cigarettes are subject to varying tax and excise rates depending on depending on the  
16 type of cigarette, method of production (hand-rolled or machine-rolled), and whether it was  
17 manufactured locally or imported. Industry stakeholders claim that a simplified structure  
18 would severely disadvantage small-scale producers who produce hand-rolled clove  
19 cigarettes.[33] However, the Minister appears sympathetic towards tobacco control and price  
20 regulation, with further excise increases announced in November 2020 for 2021, while  
21 asserting the need to balance this with protecting jobs and government revenue.  
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47 The third key ministry involved in tobacco control policy, particularly in implementing  
48 regulations around advertising and media portrayals, is the Ministry of Communication and  
49 Information, which has not issued any of its own policies since 2012. Key informant  
50 interviews and media coverage portray a ministry that is inconsistent in enforcing advertising  
51 regulations, tending to be reactive rather than proactive on the issue. For example, in June  
52 2019, the Minister for Health was forced to write to the Minister for Communication and  
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3 Information stating her concern that the Government Regulation No.109/2012 was not being  
4 enforced with respect to online media advertising and portrayals of cigarettes.[34] To its  
5 credit, the Ministry of Communication and Information responded by committing resources  
6 to block online advertising, social media posts and other content that portrayed cigarettes in  
7 breach of this law. But the lax enforcement of this regulation prior to this letter, and the fact  
8 that the Health Minister felt compelled to publicly intervene indicates that enforcement of  
9 cigarette advertising restrictions was not a priority. Some key informants interviewed  
10 highlighted that the Minister of Health’s letter was made public on social media, sparking  
11 public attention that prompted a swift response, expressing doubt that the Ministry of  
12 Communication and Industry would have responded so quickly if not for the public attention.  
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28 The policy mix also features two ministries—Trade and Industry and Agriculture—that have  
29 enacted regulations that support the tobacco industry. The Ministry of Trade and Industry has  
30 garnered a reputation for industry support, especially following the “tobacco industry  
31 roadmap” regulation it attempted to enact.[35] Tobacco control advocates shared that they do  
32 not believe it worth engaging with this Ministry as the institutional focus seems  
33 fundamentally at odds with the goals of tobacco control. The Ministry of Agriculture has also  
34 favoured the industry in terms of providing protection for tobacco farmers through  
35 regulations that safeguard domestic tobacco markets. Its reticence in establishing agricultural  
36 schemes that would support tobacco farmers to shift to alternate crops and decentre tobacco  
37 production reflect a reluctance to participate in broader tobacco control efforts.  
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54 In considering the policy mix, it is also important to note that tobacco regulation is not a  
55 solely national government concern. The Ministries of Health and Internal Affairs issued a  
56 joint regulation in 2011, providing guidelines relating to the implementation of smoke-free  
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3 areas. The roll-out of this regulation, which is ongoing, tasks each provincial and local  
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5 government with creating their own by-laws for the designation of smoke-free areas and local  
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7 restrictions on tobacco advertising. Some provincial governments, using their own authority,  
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9 have issued additional constraints on tobacco advertising, though regulations vary between  
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11 provinces.[36,37] This adds further complexity to Indonesia’s policy mix, as different  
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13 provincial and local governments enact varying regulations.  
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20 Indonesia’s lack of a multisectoral national policy for tobacco control has been cited as a key  
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22 factor in “stalling” the progress of tobacco control efforts, due to the “unclear authority and  
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24 responsibilities of each [government] stakeholder.”[38] Our evidence supports the assertion  
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26 that, although there has been progress in tobacco control policy since 2014, this progress has  
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28 been delineated along ministerial lines. The adoption of FCTC protocols is a potential step  
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30 towards bridging the lack of cohesion amongst different institutions that play a role in  
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32 regulating various aspects of tobacco control.[39] However, Indonesia’s current president,  
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34 Joko Widodo, has expressed no desire to ratify the FCTC or create a comparable national  
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36 framework. Within parliament, there is vocal support for policies protecting the livelihoods of  
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38 farmers, cigarette factory workers and, by extension, the tobacco industry. There are  
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40 numerous examples of media statements by national parliamentarians supporting the tobacco  
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42 industry.[40-42] The problem of industry interference in public health policymaking has been  
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44 recognized publicly. For example, independent transparency watchdog, Indonesia Corruption  
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46 Watch (ICW), called upon politicians to declare funding or links to the tobacco industry  
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48 ahead of the 2019 elections.[43] However, no politicians heeded the call and publicly  
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50 acknowledged links to industry.  
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### ***Limitations***

This study has limitations. We focus on issues identified between 2014-2020, but several relevant laws and regulations were created prior to this timeframe. The study is also limited to policies at the national level, and the extended role of provincial and local governments has not been elucidated. Other advocates and academics not interviewed in the convenience sample for this study might have reported different issues. Future research could expand on this study to investigate the experiences of those within government involved in creating national tobacco policy.

### **CONCLUSION**

Indonesia's tobacco policy mix is characterized by a vast diversity of regulations, distributed across nine different government institutions. The lack of an overarching framework—guided either by the FCTC or a national initiative—further entrenches this siloed approach to tobacco regulation. Despite this, there have been positive steps and tobacco control policy has progressed in Indonesia since 2014, particularly in the realm of tax and excise. A recent high-level policy meeting in March 2021 initiated by the Ministry of Health and including representatives from the ministries of Home Affairs, Development and Planning, and Finance, showed promising signs of collaborative efforts amongst some ministries.[44]

While ratifying the FCTC is by no means a panacea, a nationally-coordinated framework for tobacco control, established by the president and supported by parliament, would be an important next step in streamlining policy responses and ensuring coherence across institutions. In assessing the support of various stakeholder ministries towards tobacco control, we find that competing institutional logics lead to diverging interests regarding tobacco control, manifesting in the current policy mix and level of coherence in regulations.

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3 A centrally-coordinated tobacco control response could enhance existing progress by  
4 providing a stronger impetus for ministries to confer and cooperate on joint policy  
5 development and implementation.  
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12 This paper highlights the need for continued pressure on the office of the President and the  
13 national parliament to adopt a national framework and advance strategies to eliminate  
14 tobacco industry influence in the policy process.  
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**SUPPLEMENTARY MATERIAL 1**

Summary of current national legislation relevant to tobacco regulation (up to October 2020)

<b>Office of the President</b>		
<b>Law</b>	<b>Relevance to tobacco</b>	<b>Policy implication</b>
Law No. 17/2007 on National Long-Term Development Planning	<ul style="list-style-type: none"> <li>Article 3 stipulates that the national development goals must align with the 1945 Indonesian Constitution.</li> <li>Article 5 provides the President with authority to establish the national development goals during their term.</li> <li>Article 7 holds that the “government” supervises the implementation of this plan.</li> </ul>	<ul style="list-style-type: none"> <li>The President has the authority and discretion to enact regulations related to the tobacco industry and tobacco control that contribute to the long-term national development plan, so long as they do not contradict existing laws.</li> <li>There is ambiguity in who would be supervises and implementing any regulations related to tobacco control as the law simply refers to this being the “government’s” responsibility. It does not further delineate which government institutions are charged with this responsibility.</li> </ul>
Law No. 24/2011 on Social Security Administering Bodies	<ul style="list-style-type: none"> <li>Article 41 outlines permissible sources of funding for the National Social Security Body and of the Universal Health Program</li> </ul>	<ul style="list-style-type: none"> <li>The president has the authority to channel revenue raised from tobacco taxes towards social security programs.</li> </ul>
<b>Ministry of Agriculture</b>		
<b>Law</b>	<b>Relevance to tobacco</b>	<b>Policy implication</b>
Law No. 12/1992 on Crop Cultivation Systems	<ul style="list-style-type: none"> <li>Article 3 outlines that the improvement of agricultural production should contribute to “food security, clothing, housing, health, domestic industry and/or export industries.”</li> <li>Article 6(1) states that farmers have the freedom to cultivate whatever crops they choose in the manner they choose. However, under Article 6(2) they are also obliged to align with the Government’s national development plan for crop cultivation.</li> <li>Article 47 states that crop cultivation may only be undertaken by Indonesian citizens or companies that that registered in line with Indonesian regulations.</li> </ul>	<ul style="list-style-type: none"> <li>There is an inherent contradiction in that while farmers are granted autonomy to grow whatever they wish on their land, they are also obligated to comply with the Government’s national development plan for cultivation. Any attempt to compel tobacco farmers to switch to other crops falls into a legal grey area.</li> <li>Only Indonesian citizens and Indonesian business entities (which includes cooperatives, state-owned enterprises and private companies) can invest in crop cultivation. This means that no foreign investment in tobacco crop cultivation is permitted.</li> </ul>

<p>Law No. 19/2013 on the Protection and Empowerment of Farmers</p>	<ul style="list-style-type: none"> <li>This bill enshrines the government's duty to protect farmers.</li> <li>Article 25(1) states: "The government is responsible for creating conditions that foster farming commodity prices that benefit farmers ." Further elucidated in Article 25(2), the laws provide authority to intervene by: <ul style="list-style-type: none"> <li>(a) creating tariffs on the import of commodities</li> <li>(d) creating a market structure for farming products that is balanced</li> <li>(e) creating policies that stabilize crop prices</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Gives the government the authority to create protectionist policies that limit tobacco imports.</li> <li>Policies that have the potential to decrease sales or sale prices for tobacco farmers may be seen as a violation of this law as they present a "price uncertainty" and threaten farmers livelihoods.</li> <li>The government is obliged to provide support for transitioning to different crops if tobacco cultivation becomes unprofitable for farmers.</li> </ul>
<b>Ministry of Communication and Information</b>		
<b>Law</b>	<b>Relevance to tobacco</b>	<b>Policy implication</b>
<p>Law No. 40/1999 on the Press</p>	<ul style="list-style-type: none"> <li>Law governs what can and cannot be advertised throughout all forms of mass media</li> <li>Article 13(b) bans advertising of products such as "alcohol, narcotics, psychotropics, and other addictive substances, in accordance with other existing legislations." Article 13(b) and Article 13(c) include a ban on "the display or portrayal of cigarette use" in media.</li> </ul>	<ul style="list-style-type: none"> <li>Advertising companies are responsible for upholding this law, outlining that "Advertising companies are forbidden to create advertisements" for these products. However, the law does not explicitly prohibit other non-advertising companies, or indeed individuals, from producing promotional content.</li> </ul>
<p>Law No. 32/2002 on Broadcasting</p>	<ul style="list-style-type: none"> <li>Article 43 on broadcast advertising, sub Article (3c) prohibits the promotion of cigarettes that display the consumption of cigarettes.</li> </ul>	<ul style="list-style-type: none"> <li>Cigarette advertisements are permitted but cannot depict the act of smoking. Instead, cigarette advertisements often include conventionally "attractive" actors, innovative slogans, and slick designs that promote brand recognition without portraying a single cigarette.</li> </ul>
<p>Law No. 33/2009 on Film</p>	<ul style="list-style-type: none"> <li>Article 6(a): "Films are prohibited from encouraging public society to conduct violence, gambling and misuse narcotics, psychotropic and other addictive substance."</li> </ul>	<ul style="list-style-type: none"> <li>This law had no impact on the portrayal of cigarette use in films until tobacco was designated an "addictive substance" by Law No. 36/2009 on Health</li> <li>Only portraying the <i>misuse</i> of an addictive substance is illegal. Since smoking is not illegal, the portrayal of smoking that does not constitute "misuse" remains legal.</li> </ul>

Ministry of Finance		
Law	Relevance to tobacco	Policy implication
Law No. 39/2007 on Excise	<ul style="list-style-type: none"> <li>Article 5(1) refers specifically to the legislative requirements for tobacco excise, which includes a 275% of the cost price if the adopted cost price is the factory-based selling price or 57% of the cost price if the adopted cost price is the retail price.</li> <li>The Ministry of Finance and the national parliament are the approving authority for any policies of changes that enforce 5(1), including:               <ol style="list-style-type: none"> <li>Excisable goods in the form of tobacco products shall be subject to excise on the basis of the highest rate:                   <ol style="list-style-type: none"> <li>Produced in Indonesia                       <ol style="list-style-type: none"> <li>275% of the cost price if the adopted cost price is the factory-based selling price.</li> <li>57% of the cost price if the adopted cost price is the retail price.</li> </ol> </li> <li>Imported                       <ol style="list-style-type: none"> <li>275% of the cost price if the adopted cost price is the customs value plus import duty.</li> <li>57% of the cost price if the adopted cost price is the retail price</li> </ol> </li> </ol> </li> </ol> </li> <li>Article 5(4): Stipulation of the target of state revenue from excise in Draft State Budget of Revenue and Expenditure (RAPBN) and alternatives to policies of the Minister in optimizing efforts to achieve the target of the revenue by observing the condition of industries and aspirations of manufacturers shall be conveyed to the House of Representatives of the Republic of Indonesia (DPR RI) to obtain approval.</li> <li>Article 5(5) states that “further provisions on the rates of excise as described in paragraphs (1) and (2) as well as the change in the rate as described in paragraph (3) shall be ruled by a regulation of the Minister.”</li> </ul>	<ul style="list-style-type: none"> <li>Under Article 5(4) plans for state revenue must be submitted to the National Legislatures for approval, offering an opportunity for tobacco lobbyists to influence parliamentarians and block proposed policies through this channel.</li> <li>The excise limitation (57% of retail price) makes it legislatively impossible to implement the WHO’s recommended minimum of 70% tax and excise on tobacco products.</li> <li>No guidelines exist on what the excise structure should look like, making the policy vulnerable to industry influence. Currently, there are several “classes” of cigarettes and excise depending on type of cigarette, means of production and whether it is a small-scale (local) or large-scale (national) producer, which can be manipulated by tobacco companies.</li> <li>Article 66 provides the legal basis for the Funds from the Profit Sharing of Tobacco Excise program (<i>Dana Bagi Cukai Hasil Cukai Tembakau</i>, DBCHCT), the proportion of tax that local governments are entitled to as part of the tax distribution arrangement between national and local government (district/town).</li> </ul>

<p>Law No. 28/2009 on Regional Taxation and Retribution [retribusi] to Regions</p>	<ul style="list-style-type: none"> <li>Guides the redistribution of cigarette excise to local areas.</li> <li>Article 2 (1): a portion shall be for the district/town in the relevant provincial territory (subject to provisions)</li> <li>Article 2(c): “70% of the proceeds of Cigarette Tax shall be submitted to the district/town [in which the taxes originated].</li> <li>Article 31: “Of the revenue of Cigarette tax, whether given to the provincial or district/town, at least 50% shall be allocated to fund public Health/Medical Services and law enforcement by the authorized apparatus.”</li> <li>Article 94(1): “Out of the proceeds of provincial Taxes revenue as referred to in Section 2 paragraph (1), a portion shall be for the district/town in the relevant provincial territory (subject to provisions).”</li> </ul>	<ul style="list-style-type: none"> <li>Similar to the DBHCHT, the local cigarette taxes represent a significant income for local governments, which may lead to reticence to regulate tobacco for fear of decreasing local government funding.</li> </ul>
<b>Ministry of Health</b>		
<b>Law</b>	<b>Relevance to tobacco</b>	<b>Policy implication</b>
<p>Law No. 36/2009 on Health</p>	<ul style="list-style-type: none"> <li>Potentially the most influential law related to tobacco, spawning a large number of Ministerial Regulations to restrict the use of tobacco products.</li> <li>Article 17 on ensuring the safe use of addictive substances, Article 113 states: (1) Ensuring the safe use of products that contain addictive substances should not disrupt and endanger the health of individuals, families, the community and the environment.</li> </ul>	<ul style="list-style-type: none"> <li>Article 113 provides the legal basis for a number of tobacco control regulations and is the primary legislative mechanism used by the Ministry of Health, and other institutions, to justify tobacco control regulations (further outlined Table 3).</li> </ul>
<b>Ministry of Trade and Industry</b>		
<b>Law</b>	<b>Relevance to tobacco</b>	<b>Policy implication</b>
<p>Law No. 7/2014 on Trade</p>	<ul style="list-style-type: none"> <li>Article 35 (1) gives the government the authority to institute prohibitions or restrictions on trade of goods and/or services in the national interest.</li> </ul>	<ul style="list-style-type: none"> <li>Gives authority to the Ministry of Trade to regulate trade that may jeopardize the “national interest .” This justification has been used in the past to regulate the import of tobacco, which some farmers have argued threatens their livelihood by creating unnecessary competition for their products.[1,2]</li> </ul>



Law No. 3/2014 on Industry	<ul style="list-style-type: none"> <li>Article 3 outlines the aims for the law which include:             <ol style="list-style-type: none"> <li>Build up national industries as a pillar and shaper of the national economy</li> <li>Enhance the depth and structure of industry</li> <li>Create industries that are independent, competitive and forward thinking, as well as Green Industries</li> </ol> </li> <li>Under Article 32(1) “the government may ban or limit the export of natural resources.”</li> </ul>	<ul style="list-style-type: none"> <li>The overall aims of the law could be applied liberally to protect the tobacco industry as a national industry that creates business opportunities and employment.</li> <li>Article 32(1) could be used to prevent the export of tobacco <i>if</i> the government ever deemed it necessary.</li> </ul>
Law No. 25/2007 on Investment of Capital	<ul style="list-style-type: none"> <li>Article 12(3) allows the government to determine which businesses are open and closed to foreign investment based on the following criteria: “soundness, morals, culture, the environment, national defense and security, as well as other national interests.”</li> <li>Article 12(5) gives the government the authority to create regulations that establish which business sectors are open to foreign investment, allowing for “national interest criteria, to wit protection of natural resources, protection and enhancement of micro, small and medium enterprises, and cooperatives, supervision of production and distribution, increase of technology capacity, domestic capital participation, as well as cooperation with business entities named by the Government.”</li> </ul>	<ul style="list-style-type: none"> <li>Clauses exist within the law that allow the government to block foreign investment in defence of the “national interest .”</li> <li>Deriving authority from Article 12(5), Government Regulation (PP) No. 83/2001 guides the number of shares that foreign entities are allowed to in some sectors in Indonesia. Such a cap has not been placed on the tobacco industry, but to date no Indonesian tobacco company is 100% foreign owned.</li> <li>Basis for Presidential Regulation No. 44/2016 on the list of industries that are allowed to receive foreign investment. Foreign companies are able to invest in cigarette companies under this regulation, but restrictions could be issued by the President.</li> </ul>
<b>Ministry of Internal Affairs</b>		
<b>Law</b>	<b>Relevance to tobacco</b>	<b>Policy implication</b>
Law No. 23/2014 on Local Government	<ul style="list-style-type: none"> <li>Chapter 9, Article 236 of the law provides the authority to the regional parliament to create laws within the local area</li> <li>Regional regulations are created by the Regional People’s Representative Council (DPRD) with the agreement of the District Head.</li> </ul>	<ul style="list-style-type: none"> <li>This law gives regional governments the right to create local regulations that apply within their administrative boundaries, which could be used to create regulations that restrict cigarette advertising, sales and consumption beyond what is required by current national laws and regulations.</li> </ul>

Ministry of Education and Cultural Promotion		
Law	Relevance to tobacco	Policy implication
Law No. 5/2017 on the Cultural Promotion	<ul style="list-style-type: none"> <li>Article 4 outlines the aims of the law in protecting and promoting Indonesia's cultural heritage, stating under (i) "the preservation of national cultural history"</li> </ul>	<ul style="list-style-type: none"> <li>One of the main arguments put forward against tighter tobacco control laws is that they negatively impact the production of clove cigarettes (<i>kretek</i>), which some argue are a traditional Indonesian product and a crucial aspect of its cultural heritage. Any actions that could be perceived to endanger the "preservation" of the clove cigarettes industry could be mooted by this law.[3,4]</li> </ul>

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**SUPPLEMENTARY MATERIAL 2**

Specific regulations on tobacco and policy implications (up to October 2020)

Law	Year	Regulation	Policy implication
<b>President of Indonesia</b>			
Law No. 3/2014 on Industry	2016	Presidential Decree No. 44/2016 on Lists of Businesses that are Closed and Business Fields that are Open with Conditions to Investment	<ul style="list-style-type: none"> <li>Permits foreign investment in the cigarette production in Indonesia, with limitations including a requirement for special permission from the Indonesian Government.</li> </ul>
—	2019	Presidential Decree No.75/2019 on the National Health Scheme (replacing previous Presidential Decree No.82/2018 on the National Health Scheme)	<ul style="list-style-type: none"> <li>Increased the contribution of cigarette taxes towards the Indonesia's Universal Healthcare Scheme (Jaminan Kesehatan Nasional, JKN),</li> <li>37.5% of local tobacco taxes to be redirected from local government coffers to towards funding the JKN.</li> </ul>
Law No. 17/2007 on National Long-Term Development Planning	2020	National Medium-Term Development Plan (PP No. 18/2020)	<ul style="list-style-type: none"> <li>Development Agenda 1 allows for the simplification of cigarette excise structures and an increase in tobacco excise.</li> <li>Development Agenda 3 specifies that tobacco excise increase must be gradual in order to mitigate negative impacts on tobacco farmers and tobacco industry workers.</li> </ul>
<b>Ministry of Agriculture</b>			
Law No. 19/2013 on the Protection and Empowerment of Farmers	2019	Ministry of Agriculture Regulation No.23/2019 on Technical Recommendations for the Import of Tobacco	<ul style="list-style-type: none"> <li>Aims to increase productivity of local tobacco farmers while also protecting them from negative consequences of tobacco importation.</li> <li>Tobacco importers must seek Ministry approval prior to buying tobacco from overseas.</li> <li>Tobacco importers must source at least two-thirds of their tobacco and cloves locally unless they can prove that local production is insufficient to meet demand for cigarette production.</li> </ul>
<b>Ministry of Finance, Directorate General of Customs and Excise</b>			
Law No. 39/2007 on Excise	2016	Ministry of Finance Regulation No. 28/PMK.07/2016 on the use, oversight and evaluation of Funds from the Profit Sharing of Tobacco Excise ( <i>Dana Bagi Hasil Cukai Hasil Tembakau, DBHCHT</i> )	<ul style="list-style-type: none"> <li>Specifies that local areas will receive 2% of the excise collected on cigarettes sold locally.</li> <li>At least 50% of the DBHCHT funds to be spent on: raw materials, capacity building for industry or social services, socializing excise regulations or curbing illicit sales of products.</li> <li>The remaining funds may be spent on priorities as determined by the local government.</li> </ul>
	2017	Ministry of Finance Regulation No.146/PMK.010/2017 on Excise Tariffs for Tobacco Products	<ul style="list-style-type: none"> <li>Set factory production limitations for cigarettes, based on the type of cigarette being manufactured (e.g. hand-rolled cigarettes versus machine-made cigarettes).</li> </ul>
	2017	Ministry of Finance Regulation No. 222/PMK.07/2017 on the use, oversight and evaluation of Funds from the Profit Sharing of Tobacco Excise	<ul style="list-style-type: none"> <li>Amendment to Ministry of Finance Regulation No. 28/PMK.07/2016.</li> <li>Specifies that 50% of the overall amount received through the DBHCHT excise scheme is to be redirected to contribute towards the National Health Insurance Scheme.</li> <li>Remaining 50% may only be spent on raw materials, capacity building for industry or social</li> </ul>

			services, socializing tobacco excise regulations or curbing illicit sales of tobacco products.
	2018	Ministry of Finance Regulation No. 156/PMK.010/2018 (amendment to Regulation No.146/PMK.010/2017 on excise tariffs for tobacco products)	<ul style="list-style-type: none"> <li>Enacted a minimum cost per cigarette based on the type of cigarette (clove versus regular) and the mode of production (hand-rolled versus machine-made).</li> </ul>
	2019	Ministry of Finance Regulation No. 152/PMK.010/2019 (second amendment to Regulation No. 46/PMK.010/2017 on excise tariffs for tobacco products)	<ul style="list-style-type: none"> <li>Included minimum price per cigarette based on type of cigarette, mode of production, and where it was produced (local or imported).</li> </ul>
Law No. 17/2007 on National Long-Term Development Planning	2020	Ministry of Finance Regulation No. 77/PMK.01/2020 on Minister of Finance Strategic Plan for 2020-2024	<ul style="list-style-type: none"> <li>Builds on Presidential Decree No. 18/2020 to increase the national state revenue from tobacco excise from 172.2 trillion Rupiah to 180.5 trillion Rupiah. This paves the way for an additional tobacco excise increase in 2020.</li> </ul>
<b>Ministry of Health</b>			
Law No. 36/2009 on Health	2013	Ministry of Health Regulation No. 28/2013 on the inclusion of health warning on tobacco product packaging	<ul style="list-style-type: none"> <li>Specifies the guidelines for attaching textual and pictorial warnings to cigarette packaging.</li> </ul>
	2016	Ministry of Health Regulation No. 40/2016 technical guide for the use of tobacco taxes for the delivery of health services to citizens	<ul style="list-style-type: none"> <li>Stipulated that 37.5% of the local tobacco tax must be used to fund health/medical services and law enforcement of smoke-free areas.</li> <li>The remaining amount can be used at the discretion of local government.</li> </ul>
	2016	Ministry of Health Regulation No. 50/2016 on guidelines for managing conflict of interests with the tobacco industry within the Ministry of Health	<ul style="list-style-type: none"> <li>Guidelines for limiting conflicts of interest that arise from employees of the Ministry of Health interacting with representatives of the tobacco industry. This includes limiting: unnecessary interactions, partnerships with tobacco industry, accepting contributions or gratifications from the tobacco industry, and/or granting privileges to the tobacco industry.</li> <li>Every work unit leader is responsible for monitoring and evaluating potential conflicts of interest within their section.</li> <li>The Ministry of Health may sanction civil servants found to disregard the guidelines.</li> </ul>
	2017	Ministry of Health Regulation No. 56/2017 amendment to the regulation on the inclusion of health warning on tobacco product packaging	<ul style="list-style-type: none"> <li>Requires cigarette companies to update health warnings to the latest specifications set out by the ministry of Health within 12 months of the specifications being issued.</li> </ul>
<b>Ministry of Internal Affairs</b>			

1 2 3 4 5 6 7	Law No. 36/2009 on Health	2017	Ministry of Internal Affairs Regulation No.33/2017 the guide for the use of local budgets and procurement in 2018	<ul style="list-style-type: none"> <li>• Directs all local governments to follow the specifications for use of DBHCHT outlined in the Ministry of Health Regulation No.40/2016.</li> </ul>
8	<b>Cabinet</b>			
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41	Law No. 36/2009 on Health	2012	Government Regulation No.109/2012 on the use of tobacco products to control products that contain addictive substances	<p>Further articulates government responsibilities in relation to regulating tobacco products under the Law on Health including:</p> <ul style="list-style-type: none"> <li>• Mandatory nicotine testing and quality control for cigarettes.</li> <li>• Machine-made cigarette must be sold in packages of 20 sticks or more.</li> <li>• Packaging to include pictorial and textual health warnings and the regulation includes the specifications for these warnings.</li> <li>• The nicotine and tar contents of the cigarettes must be printed the outside of the packaging.</li> <li>• Manufacturers prohibited from including language on packaging that indicate quality, superiority, safety, image, individuality, or words with similar meanings.</li> <li>• Ban of sale to children under 18, pregnant women and via vending machines.</li> <li>• Advertising may not target children or pregnant women</li> <li>• Restrictions on where and when cigarette advertisements may be placed in print and broadcast media.</li> <li>• No cigarettes may be given away for free or for promotional purposes.</li> <li>• Tobacco product logos may not be featured on non-tobacco products.</li> <li>• Local governments required to establish and police smoke-free areas.</li> <li>• Smoke-free areas include health care facilities, areas of teaching and learning, children's playgrounds, places of worship, public transport, and workplaces.</li> </ul>
42	<b>Ministry of Health and Ministry of Internal Affairs (joint regulation)</b>			
43 44 45 46 47	Law No. 36/2009 on Health	2011	Joint Ministerial Regulation No.188/Menkes/PB/I/2011-No. 7/2011 on guidelines relating to the implementation of smoke-free areas	<ul style="list-style-type: none"> <li>• Devolves responsibility for implementing smoke-free areas to provincial, city and local governments, under the supervision and direction of the Ministry of Health and Ministry of Internal Affairs.</li> </ul>
48	<b>Food and Drug Supervisory Agency</b>			
49 50 51 52 53 54 55 56 57 58 59 60	Law No. 36/2009 on Health	2013	FDSA Regulation no.41/2013 on the supervision of tobacco products in distribution, the inclusion of health warnings in advertisements and tobacco product packaging, and promotion	<ul style="list-style-type: none"> <li>• Outlines policy for testing tobacco products to determine nicotine and tar content</li> <li>• Obliges manufacturers to include information on tar and nicotine content on cigarette packaging, as well as a statement saying "Forbidden to be old or provided to children under the age of 18 and pregnant women."</li> <li>• Packaging must include the statements "there is no safe limit" and "there are more than 4000 dangerous chemicals as well as more than 43 cancer-causing substances" on all cigarette packages.</li> </ul>

			<ul style="list-style-type: none"> <li>Prohibits the inclusion of words that infer superior quality, a sense of safeness, or image-making such as “light”, “ultra”, “special”, “slim”</li> <li>Gives the FDSA the authority to oversee and monitor compliance with advertising regulations and laws and issue sanctions against companies that are found to be in breach of this regulation.</li> </ul>
<b>Ministry of Education and Culture</b>			
Law No. 36/2009 on Health	2015	Ministry of Education Regulation No.64/2015 on smoke-free areas in school environments [ <i>includes sale and marketing bans</i> ]	<ul style="list-style-type: none"> <li>Smoking prohibited within school areas</li> <li>Schools prohibited from accepting sponsorship from cigarette companies or allowing programs or activities that constitute promotion</li> <li>Bans the installation of billboards, advertising, distribution of pamphlets and any other form of cigarette advertising in the “school environment”</li> <li>Prohibits sale of cigarettes in schools</li> <li>School principals and teachers prohibited from smoking, producing, selling and/or promoting cigarettes in schools</li> <li>School staff who breach the regulation subject to sanctions</li> </ul>
<b>Ministry of Trade and Industry</b>			
Law No. 3/2014 on Industry	2014	Ministry of Industry Regulation No.64/M-IND/PER/7/2014 on the oversight and control of cigarette industry companies	<ul style="list-style-type: none"> <li>Regulations regarding the rules that cigarette companies must meet in order to be granted a business permit</li> <li>Defines “small”, “mid-sized” and, “large” companies, with different rules applying to each.</li> <li>Sets a minimum size of 200 square meters for cigarette factories (to discourage cottage industries).</li> </ul>