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## Legal Empirical Public Health Analysis of Smoke Free Regulation Revision in Kulon Progo

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**ABSTRACT.** This article aims to analyze the discourse surrounding the revision of the Local Regulation on Smoke Free Zones (KTR) in Kulon Progo Regency from a legal empirical perspective, focusing on aspects of public health protection and the consistency of local policies. This study employs a legal-empirical method using a regulatory approach and a sociological approach. Data were collected through document analysis and policy analysis, supported by the evolving social dynamics within the community. The results indicate that the revision of the KTR Regional Regulation has the potential to weaken public health protection and reduce the consistency of the local government in implementing health based policies. On the other hand, there are socio economic pressures driving regulatory flexibility. Therefore, a policy approach oriented toward the long-term interests of the community is needed, while maintaining a balance between individual rights and collective rights to a healthy environment.

**KEYWORDS:** KTR Regional Regulation, policy revision, public health, juridical-empirical, local government

### INTRODUCTION

Public health is the cornerstone of national development. Consequently, tobacco control has become a global priority, given its detrimental impacts on health, the economy, and the environment (World Health Organization [WHO], 2021). Data from the 2021 Global Adult Tobacco Survey (GATS) in Indonesia indicate that the prevalence of adult smokers in Indonesia remains very high, reaching 33.8%, and ranks among the highest in the world (Ministry of Health of the Republic of Indonesia, 2021). Furthermore, *The Tobacco Atlas* reports that Indonesia is among the countries with a significant tobacco-related disease burden, with economic losses reaching billions of dollars annually (American Cancer Society & Vital Strategies, 2018).

Global trends indicate growing awareness of the dangers of tobacco, prompting various countries to strengthen tobacco control regulations through various policy instruments, including Smoke-Free Zones (SFZs) (Chaloupka et al., 2017). The Smoke-Free Zone (SFZ) policy is one of the local legal instruments aimed at protecting public health from the negative impacts of tobacco consumption, both active and passive. In the context of health development, the existence of Local Regulations (Perda) on SFZs is part of local governments' commitment to creating a healthy and sustainable environment, as mandated by Law No. 36 of 2009 on Health. The implementation of the SFZ is expected to reduce the prevalence of smokers, decrease exposure to secondhand smoke, and promote healthy lifestyles in the community (Callinan et al., 2010).

However, the implementation of the KTR in Indonesia faces various challenges, including resistance from the tobacco industry, weak law enforcement, and a lack of public awareness (Ng et al., 2014). Discussions regarding revisions to local smoke-free regulations,

such as those in Kulon Progo District, serve as a concrete example of the complex dynamics in tobacco control at the local level. On one hand, there is a push to accommodate economic interests and the comfort of smoking groups. A common argument is that smoke-free regulations can hinder local economic growth and reduce local government revenue from tobacco taxes (Smith & Lee, 2019). On the other hand, there are concerns that relaxing regulations will actually weaken public health protections and betray the constitutional mandate to protect every citizen's right to health (Bayer & Stuber, 2006).

Numerous studies have examined the effectiveness of smoke-free public spaces. A study in Malaysia showed that SFPs significantly reduced exposure to secondhand smoke in public spaces and increased public awareness of the dangers of smoking (Tan et al., 2016). A meta-analysis also found that SFPs are effective in reducing smoking prevalence and decreasing hospital admissions due to tobacco-related diseases (Frazer et al., 2015). Research in Indonesia indicates that the implementation of SFPs in several major cities successfully reduced the number of emergency room visits due to asthma attacks (Hastuti et al., 2018). However, other studies suggest that SFPs are often ineffective in areas with high smoking rates or weak law enforcement (Jones et al., 2017).

Qualitative studies indicate that a lack of support from local governments and weak enforcement are the primary barriers to the implementation of smoke-free policies (Li et al., 2019). Additionally, conflicts of interest between public health and economic interests also act as barriers to the implementation of these policies in Indonesia (Prabawati et al., 2020). A literature review reveals a gap in research regarding the impacts of revisions to the KTR Regional Regulation. Most studies focus on the implementation of existing policies, while research on the consequences of regulatory relaxation remains limited. Furthermore, political and economic factors in the policy-change process have not yet been comprehensively examined (Fong et al., 2010).

This study employs a conceptual framework integrating Policy Implementation theory, Health Impact Assessment (HIA), and the Political Economy of Tobacco Control. Policy implementation theory is used to analyze factors influencing implementation success (Mazmanian & Sabatier, 1983). Meanwhile, HIA is used to predict the health impacts of policies (Mindell et al., 2001), and the political economy approach is used to understand the influence of economic interests in tobacco policies (Reich, 1996). This study aims to analyze the legal implications and empirical impacts of the proposed revision of the KTR Regional Regulation in Kulon Progo District. Specifically, this study examines legal consistency, public health impacts, and the implications of local policies on tobacco control.

## **RESEARCH METHOD**

This study adopts a legal-empirical approach, a method that integrates a normative review of legislation with an in-depth analysis of empirical conditions in society. This approach is consistent with contemporary legal research methodologies that position law not only as a system of norms but also as a social phenomenon that interacts dynamically with societal realities (Ahmad et al., 2024) (Degdo Suprayitno, 2024). This is carried out through a series of comprehensive research approaches, including: the statutory approach, which aims to examine the hierarchy of relevant laws and regulations and their implications; a conceptual approach that focuses on the analysis of key concepts underlying the research problem; and a socio-legal approach that emphasizes understanding how law interacts with and is influenced by social, cultural, and political dynamics within the context of the society under study.

## **RESULTS AND DISCUSSION**

### **Policy Implementation from the Perspective of Mazmanian & Sabatier**

In analyzing policy implementation, the theory proposed by Mazmanian and

Sabatier (1983) offers a comprehensive framework, emphasizing that the success of a policy depends heavily on three key variables: the clarity of policy objectives, the availability and capacity of resources, and support from the political environment. Clarity of policy objectives serves as the primary foundation, ensuring that all stakeholders explicitly understand what the policy aims to achieve. Resource capacity encompassing human, financial, and infrastructure resources determines the implementers' ability to execute the policy effectively. Meanwhile, political environment support, whether from policymakers, interest groups, or the broader public, influences the policy's legitimacy and sustainability.

In the context of the revision of the KTR Regional Regulation in Kulon Progo Regency, the relaxation of regulations has the potential to erode the clarity of the policy's objectives. KTR, which was originally designed as the primary instrument to protect public health from the dangers of cigarette smoke, may experience a distortion of its orientation. The revision could lead to a compromise policy that better accommodates specific economic interests, such as the tobacco industry or business operators concerned about a decline in revenue.

Furthermore, these policy changes reflect significant pressure from political and social environments influencing the implementation process. Within the framework of Mazmanian and Sabatier (1983), these conditions can create serious barriers to implementation effectiveness. Inconsistencies between normative goals namely, the protection of public health and policy practices that tend to accommodate economic interests can weaken the commitment and effectiveness of implementers on the ground. Consequently, the revision of the KTR Regional Regulation has the potential to significantly reduce the effectiveness of tobacco control policy implementation at the local level, threatening efforts that have been made to create a healthier, smoke-free environment.

### **Health Impact Analysis through Health Impact Assessment (HIA)**

The Health Impact Assessment (HIA) approach provides a systematic analytical framework for evaluating the potential health impacts of a policy, program, or project prior to its implementation (Mindell et al., 2001). HIA is not merely about identifying risks but also includes recommendations to maximize health benefits and minimize potential negative impacts. In the context of the revision of the KTR Regional Regulation in Kulon Progo Regency, the application of HIA is crucial for comprehensively predicting the consequences of relaxing smoke-free zones on public health.

Based on the HIA approach, the relaxation of smoking restrictions has the potential to significantly increase exposure to secondhand smoke in public spaces, including restaurants, public transportation, and recreational areas. This increased exposure is directly correlated with an increased risk of deadly noncommunicable diseases (NCDs), such as coronary heart disease, various types of cancer (especially lung cancer), chronic obstructive pulmonary disease (COPD), and other respiratory disorders (World Health Organization, 2023). These negative impacts are not limited to active smokers but also seriously threaten the health of passive smokers, particularly vulnerable groups such as children (whose respiratory systems are still developing) and pregnant women (whose exposure to secondhand smoke can harm the fetus).

Furthermore, HIA emphasizes the importance of considering the social distribution of health impacts, or health equity. This means that policies must be evaluated based on how their impacts are distributed across all segments of society. In the context of revising the KTR Regulation, community groups with limited access to health services such as low-income individuals or those living in remote areas will be the most adversely affected. They tend to have less access to information about the dangers of smoking and adequate health services, making them more vulnerable to the negative impacts of relaxing the KTR. Therefore, a revision of the KTR Regional Regulation that is not based on a comprehensive

and equitable HIA analysis has the potential to result in policies that not only harm public health as a whole but also exacerbate existing health inequities (Solar & Irwin, 2010).

### **The Political Economy of Tobacco Control Perspective**

The political economy of tobacco control approach provides a crucial analytical lens for understanding the complexity of tobacco control policies, acknowledging that these policies never operate in a vacuum but are always closely intertwined with competing economic and political interests (Reich, 1996). The tobacco industry, along with related business sectors (such as advertising, distribution, and retail), holds significant economic interests and frequently employs various strategies to influence the policy-making process to better accommodate their interests, even if this conflicts with public health objectives (Mamudu et al., 2016). These strategies may include direct lobbying of policymakers, funding of political campaigns, misleading media campaigns, and even the threat of litigation.

In the context of the revision of the KTR Regulation in Kulon Progo, the strong push from business operators to relax regulations clearly indicates the presence of significant economic interests influencing the policy-making process. Arguments frequently raised such as emphasizing the potential for increased local revenue through tobacco taxes, enhanced business appeal to tourists, and job creation serve as the primary justifications for advocating policy revision. These arguments are often presented as a necessary trade-off between public health and economic growth, although empirical evidence frequently shows that the negative economic impacts of smoking far outweigh the claimed economic benefits (Goodchild et al., 2018).

Nevertheless, the political economy approach also reminds us that the dominance of economic interests in public policy can have serious consequences for public health. When economic interests are prioritized over health interests, the resulting policies tend to weaken tobacco control efforts and increase smoking prevalence, ultimately harming public health as a whole (Smith, 2016). Therefore, a strong and independent role for the state is necessary to maintain a fair balance between economic interests and the protection of public health, as well as to prevent regulatory capture a situation in which specific interest groups (in this case, the tobacco industry) successfully influence regulators to create policies that benefit them, even if they harm the broader public (Gilmore et al., 2007).

### **Policy Consistency and the Principles of Good Governance**

Policy consistency is a cornerstone of good governance, reflecting the government's commitment to legal certainty, public accountability, and credibility in the eyes of the public (UNDP, 1997). Legal certainty ensures that laws and regulations are clear, accessible, and consistently enforced, thereby providing stability and predictability for individuals and organizations. Public accountability requires the government to be responsible for its actions and decisions, as well as to provide mechanisms for the public to hold it accountable. The government's credibility is built on public trust, which is earned through consistency in actions and transparency in decision-making processes. In the context of the revision of the KTR Regional Regulation, policy changes not grounded in a comprehensive evidence-based evaluation have the potential to create significant legal uncertainty, as they cast doubt on the government's commitment to health protection. This may also erode public trust in the local government, which might be perceived as yielding to pressure from specific interests rather than acting in the best interests of the community.

From a public policy theory perspective, policy inconsistency can disrupt implementation stability and reduce the policy's effectiveness in achieving its established objectives (Sabatier & Jenkins-Smith, 1993). Frequently changing policies create confusion among implementers, reduce their motivation, and hinder effective coordination.

Furthermore, policy changes influenced by short-term pressures (such as immediate political or economic considerations) also risk neglecting long-term impacts on public health and sustainable regional development. For instance, relaxing tobacco control regulations may provide short-term economic benefits for certain businesses, but could lead to an increase in the prevalence of tobacco-related diseases in the long term, ultimately straining the healthcare system and reducing economic productivity.

Within the framework of sustainable development, TMP policies should be maintained and strengthened as an integral part of long-term strategies to holistically improve the quality of life for communities (United Nations, 2015). Sustainable development encompasses not only economic growth but also environmental protection and improvements in public health. Tobacco control policies contribute to all these dimensions by reducing exposure to secondhand smoke, promoting healthy lifestyles, and reducing the burden of tobacco-related diseases. Therefore, local governments must ensure that any policy changes remain aligned with the principles of public health protection, good governance, and a commitment to sustainable development.

## CONCLUSION

The decision to revise the Smoke-Free Zone (KTR) Regulation in Kulon Progo Regency carries profound legal and practical consequences, particularly regarding public health protection and the consistency of local policies. Although socio-economic pressures point toward regulatory relaxation, this step risks undermining the public health protection efforts that have been established, as well as eroding the local government's credibility in the eyes of the public. As a solution, the local government should maintain and even strengthen the KTR Regulation, positioning it as a strategic public protection instrument focused on achieving sustainable long-term goals.

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