

# Tobacco Control Regulations for National Public Health Law Protection Through Regulatory Instruments

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**ABSTRACT**– This study analyses the normative character of tobacco control regulations in Indonesia within the framework of public health protection, focusing on three key instruments tobacco advertising regulations that restrict promotion, the establishment of smoke-free areas (SFAs) in various public spaces, and the obligation to include pictorial and text health warnings on product packaging. Through a normative legal research approach, this study examines the national regulatory framework, such as the Health Law, Government Regulation No. 109/2012, Minister of Health Regulation No. 56/2017, BPOM Regulation No. 18/2025, and various related regional regulations. The results of the analysis show that these three instruments complement each other in establishing a legal system that prioritises the right to health and protects the public from the effects of tobacco consumption. These regulations represent restrictions on the commercial interests of the industry for the sake of public health. The study concludes that although the existing regulatory framework has strengthened the legal foundation for health protection, its effectiveness depends heavily on consistent enforcement, continuous monitoring, and the ability to adapt to new tobacco products and innovative marketing methods.

**Keywords:** health law, tobacco control, cigarette advertising, smoke-free areas, health warnings, law protection, health policy.

## A. INTRODUCTION

Tobacco control is one of the major issues in global public health due to the strong correlation between tobacco product consumption and increased morbidity and mortality from noncommunicable diseases. A World Health Organization report shows that tobacco causes millions of deaths each year and imposes a huge economic burden on countries, both through healthcare costs and loss of productivity among

the working-age population (World Health Organization, 2019). Countries with a high burden of tobacco-related diseases face a dilemma between public health interests and economic interests, especially when the tobacco industry contributes significantly to state revenues and employment. Within the framework of health law, tobacco regulation is increasingly understood as an instrument to correct market failures in information, regulate corporate behavior, and protect vulnerable groups from exposure to cigarette smoke (Schmidt, 2020).

The development of international law through the Framework Convention on Tobacco Control (FCTC) encourages countries to adopt comprehensive policies that include restrictions on advertising, bans on promotion and sponsorship, regulation of smoke-free areas, and strengthening of graphic health warnings on cigarette packaging (World Health Organization, 2019). Not all countries have the same ratification status, but the principles in the FCTC are often used as normative and technical references for the formulation of national regulations. In various jurisdictions, regulations on tobacco advertising and the establishment of smoke-free areas are seen as strategic law enforcement efforts to reduce the appeal of cigarettes, especially for children and adolescents, and to reduce environmental tobacco smoke exposure for the general public (Pradnyana & Ekaputra, 2025). This illustrates a shift in law orientation from an approach focused on contractual freedom to a more protective public health approach.

In the realm of national policy, tobacco regulations often develop gradually and fragmentarily, through health sector laws, tax regulations, government implementing regulations, and local regulations establishing smoke-free areas. In a number of low- and middle-income countries, the dynamics of these regulations are influenced by the power of the

tobacco industry lobby, bureaucratic capacity, and the level of health literacy among the population (Drope & Schluger, 2018). Similar challenges regarding the coherence of fragmented regulatory systems and the identification of institutional gaps are also found in other health policy issues in Indonesia, such as in medical waste management (Khayru et al., 2024). When the normative framework for tobacco control is established through various regulatory instruments, there is a need to assess its coherence, binding force, and degree of compliance with international standards, especially regarding restrictions on advertising, promotion, and sponsorship, which are often used by the industry to maintain its market share (Andini et al., 2022; Prayitno & Miekhel, 2023). Analysis from a health law perspective is important to assess whether existing regulations adequately protect the public from tobacco-related health risks.

Regulation of tobacco advertising, establishment of smoke-free areas, and mandatory prominent health warnings on packaging are three pillars of policy that international institutions have repeatedly recommended as part of an effective tobacco control strategy (Drope & Schluger, 2018; World Health Organization, 2019). Advertising and promotion influence social perceptions of tobacco, smoke-free zones protect passive smokers and help establish new social norms, while health warnings provide direct risk information to consumers and potential consumers. This study is also relevant to the broader discourse on consumer protection in the health sector, including analysis of the legal responsibilities of health professionals, as discussed by Setiawan et al. (2023). At this point, a normative law review is needed to analyze how these norms are formulated, the extent of integration between the three regulatory instruments, and whether there are regulatory loopholes that are exploited to maintain cigarette consumption in public.

The main issue in regulating tobacco control through advertising restrictions lies in the conflict between freedom of enterprise and public health protection. The tobacco industry seeks to maintain its right to communicate its products through various marketing channels; on the other hand, public health studies show that exposure to cigarette advertising is associated with an increased likelihood of smoking initiation among children and adolescents (World Health Organization, 2019).

From a health law perspective, the key question is to what extent the state can and should restrict the form, media, and scope of cigarette advertising without violating general principles of economic law and the right to commercial information, and how judges and lawmakers interpret the limits of such restrictions.

Another problem arises at the level of regulation and implementation of smoke-free areas. Many jurisdictions have adopted regulations prohibiting smoking in health care facilities, educational institutions, public transportation, and certain public spaces. International and regional reports show that compliance with these regulations is often inconsistent, especially in areas with weak enforcement and social norms that are still tolerant of smoking in public spaces (Gilmore et al., 2015; Nurdin et al., 2025). The challenges of implementation are not only technical in nature, but also touch on social aspects and broader policy dimensions, including addressing tobacco consumption among vulnerable groups such as adolescents, as discussed in the public health policy analysis by Issallillah and Khayru (2024). In normative legal research, this raises questions about the strength of sanctions, the clarity of norms, the authority of supervisory agencies, and the effectiveness of enforcement instruments, including the role of local governments in reducing environmental exposure to tobacco smoke.

The regulation of health warnings on cigarette packaging faces challenges from the perspective of normative design and lawsuits from the industry. Scientific evidence shows that large, graphic warnings with straightforward language and strong visuals are more effective at communicating health risks and reducing the appeal of packaging as a means of covert promotion (Drope & Schluger, 2018; World Health Organization, 2019). The process of effective policy-making must consider the socio-cultural context, including in designing public health interventions so that they are relevant and acceptable, as emphasised in discussions on sustainability policy (Mardikaningsih & Darmawan, 2023). The dynamics between health protection and industrial challenges are part of the broader context of national health development, including in terms of legal policy and governance, as analysed by Harianto et al. (2024). The tobacco industry, however, often raises lawsuits on the grounds of intellectual property rights, commercial freedom of

expression, and the law of certainty in the use of trademarks. This issue requires an analysis of how health legislation balances the priorities of public health protection and commercial interests, and how courts or dispute resolution bodies interpret these values.

The topic of tobacco and cigarette control through health law instruments is relevant to examine at this time because public health policy dynamics continue to evolve in line with changes in consumption patterns, nicotine product innovation, and increasing international pressure to strengthen the legal framework that protects the population from the dangers of tobacco. New products such as electronic cigarettes and alternative tobacco products have sparked new debates about the definition of tobacco products, the scope of advertising bans, and the establishment of smoke-free areas adapted to different forms of exposure. Amid these changes, normative law reviews can provide clarity on the appropriateness of the applicable regulatory structure, the consistency between regulations, and the compatibility of national regulations with international standards recommended by global health agencies.

Economic and political pressures involving industry interests, workers, and state revenues can significantly influence the process of establishing and revising tobacco control regulations. As public debate on this issue intensifies through policy reviews and parliamentary discussions studies analyzing the legal foundations for advertising bans, smoke-free zones, and health warnings become increasingly vital for policymakers, academics, and civil society. Understanding the legal framework is essential, as regulations must ultimately navigate and alter complex market realities where consumer choices are often driven by factors such as brand image and price, a dynamic highlighted in consumer behavior research (Irfan & Hariani, 2022). Consequently, this research aims to provide a clear normative basis for public health-oriented policies while enriching health law literature, which often lags behind empirical findings from epidemiology and health economics.

This study aims to conduct a normative legal analysis of regulations concerning cigarette advertising, smoke-free areas, and health warnings on cigarette packaging in the context of public health protection, while also assessing the extent to which these norms

provide adequate legal protection according to the principles of health law. This normative approach is important for evaluating the compatibility of existing regulations with the philosophical and constitutional basis of the right to health, as well as identifying legal loopholes that could weaken the effectiveness of tobacco control policies in Indonesia. Thus, the study focuses not only on the text of the regulations, but also on how these norms should be operationalised to achieve public health objectives.

Theoretically, this research is expected to enrich the development of health law studies, particularly in the field of tobacco control, while providing a new perspective on the interaction between regulation, industry behaviour, and consumer protection in the context of addictive products. In practical terms, the results of this research can be used as a reference for policymakers, law enforcement agencies, and community organisations in assessing and designing regulations that are more conducive to public health.

## B. METHOD

This research uses a normative law approach with a qualitative literature research design. Primary and secondary law materials are analyzed through systematic searches of laws and regulations in the fields of health, tobacco products, advertising, and public health policy instruments, which are then linked to scientific literature on tobacco control and health law. This step is in line with the view that law research can be structured through a structured and critical analysis of regulatory texts and supporting scientific literature (Bowen, 2009). The choice of a normative law approach was based on the research objective to examine the structure of norms, principles, and law arguments that form the basis for the regulation of cigarette advertising, smoke-free areas, and health warnings, as well as to assess the alignment of these regulations with the principle of public health protection.

The literature search strategy was conducted using scientific databases such as PubMed, Scopus, and Google Scholar, as well as the official portals of international organizations and government agencies. The keywords used included terms related to tobacco control, health law, tobacco advertising regulations, smoke-free areas, and health warnings on cigarette packaging. Inclusion criteria included:

scientific publications and academic books published within the last twenty years, writings discussing tobacco control from a law or health policy perspective, and official documents from recognized international organizations in the field of public health. Exclusion criteria include non-scientific popular publications, reports that do not include adequate bibliographic information, and writings that do not provide clarity regarding the law framework for tobacco control. This approach is in line with the guidelines for qualitative review development that emphasize clarity in search strategies, selection, and source documentation (Creswell & Poth, 2018).

Data analysis was conducted through thematic synthesis of the collected law materials and scientific literature. Regulatory texts and scientific publications were read repeatedly and coded based on categories such as advertising and promotion regulations, smoke-free area regulations, health warnings on packaging, the basis of the right to health, state obligations, and enforcement instruments. The thematic approach was used to identify recurring patterns of law arguments and normative structures, which were then formulated into analytical themes that formed the basis for the sub-discussions (Braun & Clarke, 2006). Quality assurance was carried out through detailed recording of sources, cross-checking between regulations and scientific literature, and limiting the use of references to sources with a DOI or ISBN and published by reputable institutions or publishers. In this way, the results of the research are expected to have a strong methodological foundation that is transparent and can be traced back by other researchers.

### C. RESULTS AND DISCUSSION

#### **Normative Juridical Characteristics of Regulations on Cigarette Advertising, Smoke-Free Areas, and Health Warnings**

Tobacco control regulations in Indonesia exhibit a layered normative legal character, ranging from national laws to local regulations. Law No. 17 of 2023 on Health serves as the highest law in the field of health, which stipulates the state's obligation to protect the public from the dangers of addictive substances, including tobacco products. Below that, Government Regulation No. 109 of 2012 regulates the safety of materials containing addictive substances in the form of tobacco

products, with an emphasis on restrictions on advertising, promotion, sponsorship, the establishment of smoke-free areas, and health warnings on packaging. The layered normative structure is similar to legal instruments applied in health protection in other sectors, such as the effectiveness of monitoring the use of food additives, as reviewed by Kahfi et al. (2023). This layered structure is in line with the global health law view that public health protection requires a clear regulatory framework regarding state obligations, restrictions on commercial behavior, and means of health information to citizens (Gostin, 2014). The normative juridical character of tobacco regulation in Indonesia is thus reflected in a normative construction that prioritizes the right to health and the prevention of non-communicable diseases.

From a substantive perspective, Law No. 17 of 2023 places tobacco consumption control as an integral part of public health protection, while Government Regulation No. 109 of 2012 serves as an implementing regulation that details prohibitions and restrictions on activities that have the potential to increase cigarette consumption. This approach is consistent with the recommendations of international institutions that emphasize the need for law norms that regulate the supply, demand, and information on tobacco products in an integrated manner (World Health Organization, 2019; National Cancer Institute & World Health Organization, 2016). This is in line with the thinking of Herisasono et al. (2021), who emphasise the need to improve the effectiveness of legal instruments to protect public health. By integrating advertising regulations, smoke-free areas, and health warnings into a single regulatory framework, the state seeks to establish a law regime capable of reducing smoking prevalence and lowering exposure to environmental tobacco smoke, which is harmful to public health.

The normative law character in the field of cigarette advertising is clearly seen in Government Regulation No. 109 of 2012, which regulates restrictions on advertising, promotion, and sponsorship of tobacco products in various media. These norms include restrictions on the hours during which advertisements may be broadcast on electronic media, a ban on showing lit cigarettes, a ban on depicting children or adolescents, and a provision that advertisements may not imply that cigarettes are safe or beneficial to health.

This provision is in line with empirical evidence showing that exposure to cigarette advertisements increases the likelihood of smoking initiation, especially among young people, making advertising restrictions an important legal instrument for reducing the appeal of cigarettes (World Health Organization, 2019; National Cancer Institute & World Health Organization, 2016). Within the framework of health law, such regulations demonstrate a normative orientation that places the right to honest health information above commercial promotional interests.

The restrictions on promotion and sponsorship stipulated in Government Regulation No. 109 of 2012 are designed to close loopholes for covert promotion, which is often exploited by the tobacco industry. The ban on sponsorship of activities involving children or adolescents, restrictions on the use of logos in entertainment materials, and rules regarding the use of brand attributes in widely broadcast activities reflect the state's response to industry strategies that seek to maintain the positive image of cigarettes (Ulucanlar et al., 2016; Gilmore et al., 2015). International research shows that the tobacco industry often uses loopholes in advertising and sponsorship regulations to create strong emotional associations with certain lifestyles, making detailed restrictions at the normative level important to prevent the manipulation of public perceptions of the risks of tobacco products (Ulucanlar et al., 2016).

The normative character of smoke-free zone (SFZ) regulations in Indonesia is evident through a combination of regulations at the national and regional levels. Government Regulation No. 109 of 2012 establishes SFZs in health care facilities, educational institutions, children's playgrounds, places of worship, public transportation, workplaces, and certain public places, while many local governments reinforce this through local SFZ regulations, such as Tanggamus Regency Regulation No. 1 of 2025 and Yahukimo Regency Regulation No. 16 of 2025. These regulations reflect the principle of protecting passive smokers and creating healthy public spaces, in line with evidence that the implementation of smoke-free areas is associated with reduced exposure to smoke and a decrease in the incidence of cardiovascular disease among the population (World Health Organization, 2019; Levy et al., 2013). Within the framework of health law, the KTR norm affirms that public health interests can be the basis for restricting individual behavior in

public spaces through regulatory instruments with sanctions (Hadi et al., 2024; Nurdin et al., 2025).

Health warnings on cigarette packaging demonstrate a normative juridical character that explicitly recognizes consumers' right to clear and prominent information about health risks. Ministry of Health Regulation No. 56 of 2017, which amends Ministry of Health Regulation No. 28 of 2013, requires the inclusion of pictorial and text health warnings covering at least 40 percent of the packaging area. This provision is in line with research evidence showing that large pictorial warnings increase risk perception, reduce packaging appeal, and encourage motivation to quit smoking (Fong et al., 2009; National Cancer Institute & World Health Organization, 2016). Research on the evolution of warning labels in various countries shows that increasing the size, simplifying the message, and using strong images are associated with effective risk communication (Hiilamo et al., 2014). The Indonesian health warning standard thus adopts internationally recognized scientific standards for tobacco risk communication.

BPOM Regulation No. 18 of 2025 updates previous regulations on the supervision of tobacco products and electronic cigarettes, including regulations on advertising, promotion, and health warning requirements in line with developments in technology and digital media (Murti & Ratriyana, 2022). From a normative law perspective, the existence of this regulation confirms that tobacco control does not stop at conventional cigarettes, but extends to new nicotine products circulating in the market. This proactive supervisory role of BPOM is in line with its mandate and institutional capacity to control other risky products on the market (Sutriyono et al., 2024). This approach is in line with the view that health law must be adaptive to product innovations that pose new risks to public health, while remaining grounded in the principles of health protection, disease prevention, and prudence (Gostin, 2014; National Cancer Institute & World Health Organization, 2016). The BPOM Regulation thus occupies an important position as an implementing norm that bridges substantive regulations at the level of laws and government regulations with the reality of the modern tobacco product market.

Regional regulations on tobacco control add a dimension of decentralization to the normative

juridical character of tobacco control in Indonesia. Through regional regulations on tobacco control, local governments have gained the authority to regulate more specifically the establishment of no-smoking zones, the installation of smoke-free signs, supervision procedures, and the application of administrative sanctions for violations (Nurdin et al., 2025). Findings from various international studies show that interventions at the subnational level can increase compliance with tobacco control policies, especially when local regulations are clearly formulated and accompanied by consistent and operational enforcement mechanisms (Gilmore et al., 2015; Levy et al., 2013). Within this framework, the KTR Regional Regulation serves to reinforce the normative law character of tobacco control as a law regime that is not entirely centralized, but rather provides opportunities for adjustment to the specific needs and institutional capacities of each region.

When viewed in terms of compliance with international standards, the structure of national regulations, which includes Law No. 17 of 2023, Government Regulation No. 109 of 2012, Minister of Health Regulation No. 56 of 2017, BPOM Regulation No. 18 of 2025, and local regulations on tobacco control in various regions reflect explicit efforts to adopt key components recommended by the Framework Convention on Tobacco Control (FCTC). These components include a ban on tobacco advertising across various media, the implementation of smoke-free areas, and regulations requiring large graphic health warnings on product packaging (World Health Organization, 2019; Drope & Schluger, 2018). Although the status of ratification and degree of implementation of the FCTC is not uniform in every country, international literature confirms that this combination of policy instruments is the main foundation of evidence-based tobacco control (National Cancer Institute & World Health Organization, 2016). From a normative legal perspective, this configuration shows a clear orientation towards harmonizing national norms with global health protection standards. The normative legal character of tobacco regulation in Indonesia is also evident in the tension between public health interests and the legal arguments put forward by the tobacco industry, such as intellectual property rights and freedom of enterprise (Berliani et al., 2022). In various jurisdictions, the industry has challenged large health warning requirements

and plain packaging policies, arguing that these policies erode trademark rights and exceed the limits of reasonable regulatory intervention (Crosbie et al., 2019; Ulucanlar et al., 2016).

However, experience in a number of countries shows that judicial institutions often affirm the supremacy of public health protection over commercial claims, provided that the restrictions imposed by the state are proportionate, supported by scientific evidence, and designed to reduce significant health risks (Gostin, 2014; Crosbie et al., 2019). By firmly placing tobacco control within the framework of public health protection, Indonesia's regulations are in line with legal arguments that are widely recognised in international practice. This alignment not only strengthens the normative legitimacy of the tobacco control agenda going forward, but also sets an important legal precedent for addressing similar challenges from the industry, both for conventional tobacco products and new nicotine products.

Conceptually, the normative juridical character of tobacco advertising regulations, smoke-free areas, and health warnings in Indonesia can be understood as an effort to change the law, which was previously neutral towards tobacco products, into a structure that explicitly favors the protection of public health. The norms that restrict advertising and promotion, regulate public spaces through KTR, and require pictorial health warnings on packaging are designed to correct information asymmetry and reduce social normalization of cigarettes (Murti & Ratriyana, 2022). The combination of substantive norms at the level of laws and government regulations, technical norms in Minister of Health regulations and BPOM regulations, and local norms in local regulations on smoke-free areas creates a complementary regulatory network. Through this network, the state articulates its constitutional obligations specifically, its duty to provide legal protection for its citizens in the realm of public health (Tampil et al., 2023) in the form of concrete rules that regulate the relationship between industry, consumers, and the wider public.

From a public health perspective, this normative construction shows that tobacco control in Indonesia has shifted from a permissive regulatory pattern to a more protective one. Although the effectiveness of implementation is greatly influenced by enforcement capacity and social acceptance, the

normative juridical character of existing regulations affirms that tobacco products are treated as high-risk commodities that warrant strict restrictions. The regulation of advertising, smoke-free areas, and health warnings therefore does not merely regulate trade, but also contains a law message that public health is an interest that can limit the expansion of the tobacco product market. At a theoretical level, this shows how health law combines an approach of protecting the human right to health with the use of regulatory instruments that regulate the behavior of private actors.

### **Strengthening Public Health Protection through Regulations on Tobacco Advertising, Smoke-Free Areas, and Health Warnings**

Regulations on tobacco advertising within the framework of health law can be positioned as an initial law mechanism aimed at protecting the public from systematic exposure to promotional messages that encourage tobacco consumption as normal behavior. This policy is manifested in the form of restrictions on promotional activities, advertising, and sponsorship of tobacco products as regulated in Government Regulation No. 109 of 2012 and reinforced through Law No. 17 of 2023 concerning Health, which substantively reflects the application of the principle of primary prevention in public health (Murti & Ratriyana, 2022). Scientific consistency with this policy is reinforced by findings from international bodies such as the World Health Organization (2019) and the collaboration between the National Cancer Institute and World Health Organization (2016), which state that a total ban on tobacco advertising, promotion, and sponsorship is an effective public policy instrument in reducing smoking initiation rates, especially among adolescents and children. When these restrictive norms are formulated within a strict law accompanied by the threat of sanctions, the state clearly affirms its commitment to providing the law with protection for the public while limiting the tobacco industry's ability to spread misleading narratives about the risks of its products.

In a more operational dimension of law protection, regulations regarding restrictions on advertising hours in electronic media, prohibitions on the use of child characters, and bans on health claims on tobacco products as stipulated in Government Regulation No. 109 of 2012 show that the law actively intervenes in

commercial communication channels that have the potential to harm the public interest in accurate and non-misleading information. Empirical data supports the effectiveness of such regulations in reducing smoking prevalence and lowering per capita tobacco consumption (National Cancer Institute & World Health Organization, 2016; World Health Organization, 2019). From a health law perspective, these regulations not only function as a communication policy instrument, but also carry the meaning of the state's obligation to fulfill, respect, and protect the right to health through the control of commercial messages that obscure the risks of tobacco (Gostin, 2014).

The provisions of the Smoke-Free Zone (SFZ) as stipulated in Government Regulation No. 109 of 2012 and expanded through the strengthening of regional policies emphasize the expansion of law enforcement through the regulation of public spaces that are free from exposure to cigarette smoke. Strategic locations such as health care facilities, schools, places of worship, public transportation facilities, and workplaces have been designated as SFZs with consideration for the protection of the most vulnerable groups, including children, pregnant women, and individuals with chronic diseases. The importance of protecting vulnerable groups, especially those with chronic conditions, was also emphasised in a broader discussion on the interconnection between health risk exposure and disease development, as explored by Issalillah (2022). International research indicates that the implementation of smoke-free public space policies is significantly associated with reduced concentrations of harmful particles in indoor air, decreased incidence of acute heart attacks, and strengthened social norms supporting healthy living environments (Levy et al., 2013; World Health Organization, 2019). Smoke-free policies thus serve not only as a physical barrier against exposure to smoke, but also as a means of shaping collective behavior supported by law.

In addition to national regulations, the existence of local regulations (Perda) on smoke-free areas (KTR) provides an additional layer of protection through the utilisation of local government autonomy. These local regulations enable the formulation of more specific smoke-free zones, the development of monitoring schemes, and the establishment of administrative sanctions that can be directly applied to violations (Nurdin et al., 2025). Policy experiences in various countries show that KTR policies at the

local level can act as a catalyst to strengthen national regulations, especially when their implementation is supported by consistent law enforcement and effective public communication campaigns (Gilmore et al., 2015; World Health Organization, 2008).

In health law research, these local norms serve as a channel for policy adaptation to social dynamics in the region. Thus, the implementation of national regulations can be aligned with local institutional capacities and characteristics (Putri et al., 2025). This flexibility allows local governments to design more effective monitoring and socialisation mechanisms in accordance with the social, economic and cultural structures of their communities.

This approach enables a more responsive handling of violations to local conditions and needs. Through this decentralised mechanism, law enforcement for public health protection gains a more concrete and contextualised dimension of implementation, which can ultimately accelerate the realisation of social norms that support a wider and more sustainable smoke-free environment. Furthermore, successful implementation at the local level often serves as a model and catalyst for strengthening similar policies at the national level, creating a positive cycle of learning and reinforcement within Indonesia's public health legal system.

Pictorial health warnings on cigarette packaging, as stipulated in Minister of Health Regulation No. 56 of 2017, provide consumers with direct legal protection. The requirement that pictorial and text warnings cover a minimum percentage of the packaging surface means that packaging is no longer merely a promotional medium, but a means of communicating health risks. International research shows that large pictorial warnings increase risk understanding, trigger reflection on the desire to quit smoking, and reduce the visual appeal of packaging (Fong et al., 2009; Hiilamo et al., 2014). Within the law, this requirement affirms consumers' right to clear and prominent health information and reduces the potential for claims that consumers "were aware" of the risks through small, unreadable information on the packaging (Hadi et al., 2024).

BPOM Regulation No. 18 of 2025, which updates the provisions on the supervision of tobacco products and electronic cigarettes, marks the expansion of the law's protection to new

products and digital media. Although the operational details are administrative in nature, the existence of regulatory norms governing the advertising and promotion of tobacco products on information technology platforms demonstrates the health law's efforts to adapt to shifts in industry marketing patterns (Murti & Ratriyana, 2022). The literature underscores that the tobacco industry exploits regulatory loopholes in new media, including the internet and social media, to reach younger age groups (National Cancer Institute & World Health Organization, 2016; Ulucanlar et al., 2016). By regulating digital promotion and health warning requirements on alternative products, oversight regulations close the gray areas that could potentially weaken the law enforcement achievements that have been built for conventional cigarettes (Darma & Mahadnyani, 2024).

From a policy law perspective, the combination of Law No. 17 of 2023, Government Regulation No. 109 of 2012, Minister of Health Regulation No. 56 of 2017, BPOM Regulation No. 18 of 2025, and KTR Regional Regulation shows that the country has chosen a public health policy orientation that is close to the WHO's MPOWER policy package recommendations: monitoring tobacco consumption, protecting the public from secondhand smoke, offering smoking cessation assistance, warning of the dangers through strong labeling, enforcing advertising bans, and imposing high taxes (World Health Organization, 2008; Drope & Schluger, 2018). When these elements are translated into clear law, public health protection gains a normative basis for resisting tobacco market expansion. In health law analysis, this shows how evidence-based policy is transferred to the realm of lawfully binding regulation.

The literature shows that the strength of legal protection depends on the strictness of norms, consistency of enforcement, and the ability to counter industry resistance. The experiences of various countries that have implemented strong health warnings, plain packaging, and total bans on tobacco advertising show that the industry has filed lawsuits alleging violations of intellectual property rights and international trade (Gostin, 2014; Crosbie et al., 2019). A number of court rulings and dispute resolution bodies have confirmed that tobacco control measures are lawful as long as they are supported by scientific evidence and are proportionate to public health objectives (Crosbie et al., 2019). Considerations regarding

the effectiveness of the national legal system in responding to public health challenges in a responsive and fair manner, as discussed by Vitrianingsih and Issalillah (2021), are relevant to this study. With reference to these experiences, Indonesia's regulatory framework has gained normative legitimacy to maintain and strengthen restrictions designed to protect public health.

Advertising regulations, tobacco control regulations, and health warnings are concrete manifestations of the fulfilment of the right to the highest standard of health and the right to a healthy environment. The modern perspective on health law emphasises that the state is not only obliged to provide health services, but also to control commercial risk factors that cause disease (Gostin, 2014; National Cancer Institute & World Health Organization, 2016). The requirement for companies to manage the negative commercial impact on society is in line with broader social and environmental responsibility principles (Marsal & Da Silva, 2023). In this context, tobacco control policies serve as proactive preventive legal instruments, shifting the paradigm from merely curing disease to protecting the public from systematic sources of health hazards.

This obligation includes improving service quality and disease prevention efforts, where service quality and patient satisfaction are important components in supporting the right to health (Khayru & Issalillah, 2022). By reducing exposure to advertising, creating smoke-free spaces, and strengthening risk information on packaging, the state is fulfilling its positive obligation to prevent avoidable health harms. These measures form a legal ecosystem that protects vulnerable groups, such as children and adolescents, from the initiation and normalisation of tobacco consumption. To the extent that tobacco control norms are effectively implemented, legal protection for public health will be realised through disease prevention and the strengthening of healthy lifestyle choices at the individual and collective levels, ultimately contributing to the creation of a healthier and more productive social environment.

At the governance level, this regulation also opens up space for cross-sectoral policies, institutional mentoring, and a collaborative culture between the central government, local governments, educational institutions, health facilities, and civil society organizations.

Strengthening the implementation of KTR, advertising supervision, and updating health warning designs requires ongoing coordination between the health sector, law enforcement, education, and broadcasting and communications authorities. The literature on tobacco control shows that the success of policies is greatly influenced by the existence of consistent cooperation networks between state institutions and community actors, including health advocacy groups that play a role in monitoring industry practices and encouraging regulatory revisions (Gilmore et al., 2015; Drope & Schluger, 2018). Within the framework of health law, these networks serve to strengthen the institutional capacity of the state to enforce legal protections that have been formulated in written norms.

The effectiveness of legal protection under Indonesia's tobacco control regulatory framework depends heavily on the quality of implementation, enforcement, and social acceptance of existing norms. For example, Smoke-Free Areas (SFAs) can only effectively reduce exposure to tobacco smoke if prohibition signs are clearly visible, sanctions are enforced without discrimination, and the public understands the health basis for the policy (Nurdin et al., 2025). On the other hand, the success of health policy implementation cannot be separated from the broader social context, including challenges of disparities in access to services and quality of life (Nalin et al., 2022; Aisyah and Sarif, 2024), where the ultimate goal is to improve quality of life through sustainability principles that prioritise health and equity (Issalillah, 2021).

To overcome these implementation challenges, consistent and adaptive law enforcement is required, as is also relevant in efforts to combat fraud in the health insurance system (Setiawan et al., 2023). Similarly, restrictions on advertising and health warning requirements on packaging must be accompanied by regular monitoring of advertising practices, new digital promotions, and updates to warning designs to ensure they remain relevant. Ultimately, legal protection for public health will only strengthen with the ability to maintain, monitor, and adjust tobacco control regulations in line with the dynamics of the tobacco epidemic and the industry's evolving strategies.

Going forward, the level of legal protection for public health through tobacco advertising regulations, smoke-free environments, and health

warnings will increasingly be determined by the ability of the health legal framework to anticipate new nicotine products, digital marketing patterns, and global policy dynamics. A responsive and adaptive legal framework is needed to close regulatory loopholes that are often exploited by the industry, particularly in marketing new-generation tobacco products such as e-cigarettes and heated tobacco products to vulnerable groups, including children and adolescents. This challenge requires a regulatory approach based on scientific evidence and oriented towards the precautionary principle, especially when long-term data on the impact of these new products is not yet fully available.

If the law can continue to focus on the right to health and scientific evidence, and resist the pressure of short-term economic interests, then the tobacco control regulatory framework has the potential to develop into an important milestone in health law reform. In this sense, the legal protection that is built not only targets the current generation of smokers, but also helps to shape a more protective social structure for future generations. These efforts will ultimately contribute to the realisation of a more holistic public health paradigm, in which the law functions not only as a repressive instrument, but also as a means of education, empowerment, and social transformation towards a healthier and more sustainable environment.

#### **D. CONCLUSIONS**

Going forward, the degree of the law's protection of public health through the regulation of tobacco advertising, smoke-free environments, and health warnings will increasingly be determined by the ability of the health law framework to anticipate new nicotine products, digital marketing patterns, and policy dynamics. If the law can continue to focus on the right to health and scientific evidence, and resist the pressure of short-term economic interests, then the tobacco control regulatory framework has the potential to develop into one of the important milestones of health law reform. In this sense, the law protection that is built does not only target the current generation of smokers, but also helps shape a more protective social structure for future generations.

The findings of this research indicate that tobacco control through the law, which regulates advertising, smoke-free areas, and health warnings on packaging, has the potential

to strengthen public health protection if accompanied by consistent enforcement and continuous adaptation to developments in nicotine products and digital promotional media. For policymakers, these results emphasize the importance of maintaining coherence between national laws, implementing regulations, and local regulations so as not to create normative loopholes that can be exploited by the tobacco industry. For academics and civil society organizations, this research provides an analytical basis for monitoring the implementation of existing regulations and encouraging improvements in regulation in terms of supervision, sanctions, and updating the design of health warnings.

First, central and local governments need to strengthen enforcement of tobacco advertising and smoke-free area regulations by increasing the capacity of supervisors, imposing strict sanctions, and establishing easily accessible public reporting mechanisms for violations. This strengthening must be carried out systematically, including through technical training for officials, allocation of a special budget for supervisory operations, and integration of the reporting system with digital platforms so that monitoring can be carried out in real time and transparently. Without consistent enforcement, existing regulations will remain symbolic and fail to create an environment that truly supports tobacco control efforts.

Second, regulations on health warnings and tobacco product oversight, including e-cigarettes, must be reviewed periodically in line with the latest scientific evidence, both on health impacts and industry marketing patterns. This review is important given that the tobacco industry continues to innovate in its products and marketing strategies, including targeting young people through lifestyle imagery and flavour variants. Third, cross-sectoral cooperation between health agencies, educational institutions, broadcasting authorities, and civil society organisations needs to be systematically maintained so that the implementation of tobacco control regulations is in line with the public health protection objectives mandated in the national legal framework. This synergy can be achieved through permanent coordination forums, joint campaigns, and the integration of tobacco control materials into educational curricula and media content. Thus, tobacco control efforts do not depend

on a single sector, but become a collective movement supported by all stakeholders.

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