

Law Enforcement of Non-Smoking Zones: Prospects and Challenges in Search of Human Rights Equilibrium

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Smoking is problematic in health perspective. Propaganda on the danger of smoking has been massively undertaken to gradually ban cigarette smoking. However, little if any, has research been conducted regarding law enforcement strategies which provide satisfaction on both smokers and non-smokers as a win-win solution. The current study investigated possible strategies which can be implemented to accommodate both groups in much more favourable ways. A survey involving 65 people (entry-based sampling on a specific closing date) was conducted to find out the best tactical implementation (Law Enforcement) regarding the non-smoking zones policy enacted under the Mayor's Decree No. 3 /2013. The data were collected from public through open access survey ([Google Form](#)) distributed online through WhatsApp (WAG). The findings show that respondents fall in three categories: non-smokers (53.8%), and smokers who want to quit smoking but fail (26.2%), non-smokers who used to smoke (10.6%), and smokers who want to go on smoking but want to be healthy (9.2%). Further findings show that smokers fall in three categories: those who think that smoking or not smoking does not matter (36%), fully-addicted smokers (25%), smokers who want to quit smoking but no external motivators (10%), and other variants of smokers. The findings are discussed in narrative regarding with occasional reference to previous studies, namely how to manage healthy environments considering that smoking and non-smoking individuals are human-beings with their rights and responsibilities. Success or failure to quit smoking remains a mystery.

Keywords: danger of smoking; non-smoking zones; smoking areas; health environments; public policy; human rights equilibrium.

INTRODUCTION

Smoking remains a controversial issue. On the one hand, it has been campaigned that smoking is dangerous for humans and environmental health; on the other hand, cigarette industries contribute significantly to the overall income of a country through the imposition of excise on tobacco products. Thus, for a country like Indonesia, it is very problematic to totally ban cigarette industries for the people's health, and so is it equally to prohibit people from smoking only to victimize cigarette industries. Not only do they greatly provide employment opportunities but also the financial contribution as previously mentioned.

The hazard of smoking has been campaigned quoting a number of medical research reports. As well, it is clearly highlighted in Office on [Smoking and Health](#) (OSH) that smoking causes “cancer, heart disease, stroke, lung diseases, diabetes, and chronic obstructive pulmonary disease (COPD), which includes emphysema and chronic bronchitis. Smoking also increases risk for tuberculosis, certain eye diseases, and problems of the immune system, including rheumatoid arthritis”. It is a good thing that most people have been aware of the perils of smoking (Szymański et al., 2022; Koczkodaj et al., 2020; Milcarz et al., 2018).

Research on smoking and pregnancy has been conducted especially on support of women to stop smoking in pregnancy (Griffiths et al., 2022), on possible association between smoking during pregnancy and hypersensitive disorders of pregnancy (Wang et al., 2022), on investigation of relation between maternal smoking during pregnancy and offspring psychiatric disorders (Brannigan et al., 2022), to mention only a few. There are other hundreds of researches on smoking as death paths, all of which only to condemn those associated with smoking habits bringing about unnecessary chronic diseases. Very rarely do people in general address a simple issue of why no cigarette industries have never been totally banned. They are only recommended not to advertise their products directly or physically showing the acts of smoking in their advertisements. Cigarette has to be pseudo-advertised making use of positive activities, such as sports, romances, etc. to be contested with the state policies on smoking (Murti & Nur Ratriyana, 2022). More powers of cigarette markets due to one thing or another have been identified and changing attitude to diverse products has also been apparent leading to the importance of understanding market structure and government regulation (Levy et al., 2019) for cigarette industries to survive.

At the moment, as regulated in Mayor's Decree on Non-Smoking Zones No.3/2013, smokers who are spotted to smoke in non-smoking zones specified by the authority will be warned, reprimanded or even forced to leave the zones depending on the smokers' responses to the warnings. Extremely speaking, those who are caught red-handed, smoking in non-smoking zones may be legally sued and fined maximally IDR50 million or jailed maximally for three months. Civil Servants (Government Staff) when spotted to smoke in non-smoking zones may be called upon by the manager, given letters of warnings (administrative sanction) or even terminated from his or her jobs.

Smoking areas have also been provided by some organizational units to let smokers to smoke. The smoking areas are regulated as in open areas, with direct access to outer air, separated from the major building and other working rooms, far from entry and exit doors, and far from passing people. However, it is important to note that some of the smoking areas are not well-furnished with facilities to accommodate the smokers' personal needs, such as sign of access, sufficient smoke exhausts, etc. The authority shall not ignore the financial contribution cigarette industry have made.

On the current study

The current study did not intend to discuss the danger of smoking nor did it try to deal with cigarette marketing strategies. Rather, it was aimed, as the title suggests, at

promoting law enforcement of non-smoking zones to investigate the prospects and challenges in search of human-rights equilibrium between smokers and non-smokers. It is not wise to protect the non-smokers by violating the rights of the smokers in realizing their personal satisfactions (by smoking). Similarly, it is wrong to let the smokers to deteriorate (their health and) the non-smokers' health and the environments. There must be an especially formulated policy regulating both groups without disrupting neither one group nor the other. At least, Major's Decree on Non-Smoking Zones must be fully implemented—not just written up there.

As mentioned earlier, it is impossible to extremely ban cigarette smoking by closing down cigarette industries of all types, considering the undeniably-varying financial contribution (through taxes) across the world (Peer, 2018). Therefore, the only possible effort, apart from the massive propaganda of the danger of smoking, is to convince that smoking is a kind of unhealthy behaviour, disturbing both non-smokers and environments (Lucchiari et al., 2020).

Proposed in the current study is a government's policy on law enforcement on non-smoking zones which can accommodate the interests of both smoking and non-smoking groups of people. However, blamed for environmental disruption, they are humans and have the rights to gratify their psychological needs. They are not displaced people only due to their smoking activities.

The research questions can, therefore, be formulated as (1) "How can non-smoking individuals be accommodated, regarding their perceived understanding that smoking is dangerous?" (2) How can smoking individuals be accommodated, regarding their perceived understanding that smokers survive? (3) "How can cigarette industries respond to the wishes of individuals who want to smoke but still want to be healthy? (4) How can the authority equilibrium of treatment between the smoking and non-smoking? (5) What is the decision-making process to quit smoking? Each of these issues needs to be answered systematically, following the research traditions of scientific inquiries to come up with vivid and reliable findings on the basis of which government's policy on law enforcement regarding non-smoking zones across the country can be formulated and recommended.

METHODS

The current study is survey research addressing issues on individuals who are characterized as (1) non-smokers by birth, (2) non-smokers who used to smoke (3) smokers who want to cease smoking, (4) smokers who ignore the warnings of the danger of smoking but want to be healthy.

Research Instrument and Data Collection

The research instrument was created, employing Google Survey Forms (Moises Jr, 2020) distributed in social media, Facebook, Instagram, and WAG (WhatsApp Group)(Nadeak, 2020). The survey was closed on a specific date regardless of how many participants responded to the survey. There were 65 (sixty-five) respondents on the closing date, a total number of blinded- random (entry-based) participants(Omrani et al., 2020).

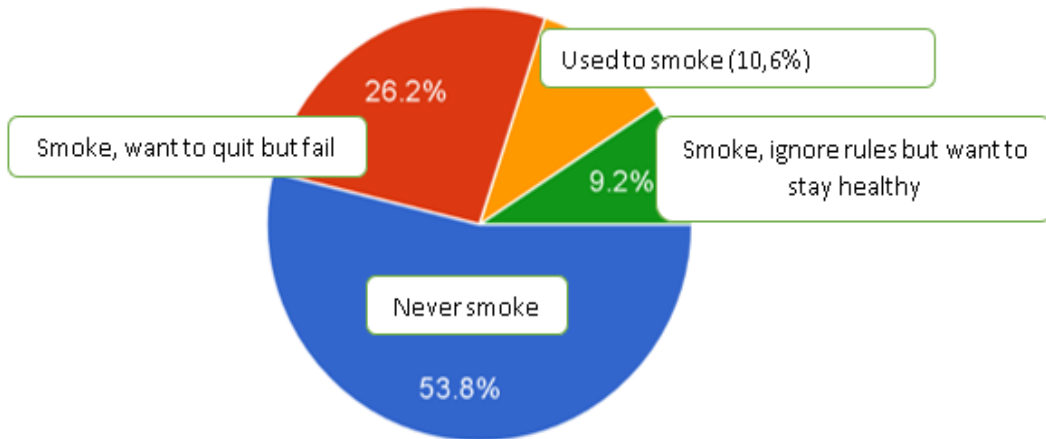
Data Analysis and Discussion

The collected data were automatically analysed in terms of percentage in each category of issues. Pie graphs and tables were used to represent the physical forms of data displays to be further discussed and interpreted leading to conclusion and recommendations of the current study. The survey was in Bahasa Indonesia. However, in the report, all terms have been translated into English for ease of international readership. The findings were further discussed to formulate a tactical implementation of the non-smoking zones policy related to the smoking behaviours in compliance with human rights equilibrium. It is important to note that the research instrument was written in Bahasa Indonesia for ease of the respondents to respond. For international readership, this survey was reported in full

English.

FINDINGS AND DISCUSSION

The survey was closed on the 7th day of November with 65 (sixty-five) respondents categorically represented in Graph 1 below:



Graph 1. Categories of Respondents

Non-Smoking Respondents

Surprisingly (Graph 1), out of 65 respondents, 53.8% belongs to *never smoking* category. It can be therefore assumed that the massive anti-smoking campaign, which has been going on for decades is successful. This category is not obliged to continue responding to the survey. That they are smoking free may be due to the tight rules of non-smoking families, educational premises, and social encounters excluding them from cigarette flavour temptations. Such individuals are then classified as *passive smokers*, namely involuntarily exhaling cigarette smoke produced by people smoking around. Passive smoking is still at risks (Jin et al., 2022; Prakash et al., 2022; Ekambaram et al., 2022). Those who never smoke all their lives are advised not to get in touch with those who smoke. Who should tolerate? In a modern civilized society, a smoker should, presumably or by gentle warning, not smoke in a non-smoking zone. However, it is up to the passive smokers to stay, for urgent reasons, in a smoking area. This definitely answers the first research question (RQ1) "How can non-smoking individuals be accommodated, regarding their perceived understanding that smoking is dangerous?". As well, non-smoking zones are mostly available in modern buildings as stipulated by the authority.

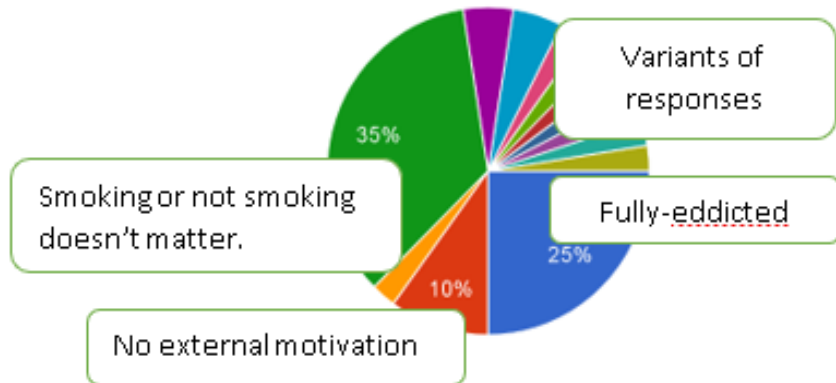
The next category belongs to those who used to smoke (10.6%). In this case, they have to maintain their non-smoking status. At least, they have to adopt the smoke-free social behaviour. Once, a non-smoker (*used to smoke*) tries to re-smoke, it is much more difficult to re-quit smoking (Kim et al., 2015). Close friends or family members have the responsibility to monitor this *used to smoke* person to make sure that he or she does not re-attempt to smoke. Normally, psychological factors, such as work-related stresses, family-related problems, self-recognition-related issues, including the lack of smoke-free support environment can be the causes of re-smoking individuals in chronological order of quitting-reattempting -smoking (Q. Jin et al., 2020)

However, improvements of non-smoking related facilities are still open, such as maintenance of non-smoking signs and written warnings, task forces of security units to gently remind those who try to smoke in the non-smoking zones, and consistency of the authority to apply the punishment as stipulated in the mayor's decree related to severe

violation of the non-smoking zones. Singapore has implemented exemplary policies in control of tobacco-related products (Lee et al., 2020) in which every effort is made to prohibit smoking, starting from smoking fines, cigarette price control to never ending massive campaigns of health risks due to smoking. A good prospect of non-smoking campaign can, therefore, be seen in this respect. The authority shall never give up the good work.

Smoking Respondents

The survey classified the smoking respondents into two groups as seen in Graph 1, namely (1)smokers who want to quit smoking but fail (26.2%), smokers who smoke, ignore the rules, yet want to stay healthy. These two groups of smoking individuals are analysed as follows:



Graph 2 Smoking Respondents

Graph 2 above shows a group of responses from those who smoke, want to quit smoking, but fail. This category is represented by floating mass (35%) in which for them whether smoking or not does not really matter. They, in fact, better refer to occasional or situational smokers. Such smokers may or may not smoke, depending on the situation. They can, for example, smoke with friends (other smokers) in the smoking areas available. At one time or another, they may work for hours in a non-smoking zone, without smoking. A clear challenge appears here related to such a phenomenon. Occasional smokers can still be counseled—through various media—to be made aware that non-smoking is much better than smoking. It can also be assumed that they may totally stop smoking when they cannot afford to buy packs of cigarette. Singapore (Lee et al., 2020) and probably other countries, as well, have a policy of tobacco products pricing control. Better still, such individuals are assigned to work more with non-smokers in a well-furnished non-smoking zone, rather than with his smoking fellows in a smoking area. The HRD division may have completed information concerning such individuals. At this point RQ2 ‘How can smoking individuals be accommodated, regarding their perceived understanding that smokers survive? Is thereby answered.

Secondly, dealing with fully addicted smokers (25%) Smokers of this category are sort of stubborn. They believe in a myth that drinking coffee compensates for smoking, namely reducing the negative effects of smoking. Research, however, says otherwise. It was argued that that smokers might enjoy the full power of the enhanced caffeine effects (Choi, 2020). Thus, it is not sort of compensation for one another. Rather, smokers can be more addicted to both caffeine and nicotine consumption. This is then a real challenge for educationists to change such a myth into the reality. In some cases, stress due to work loads, and other stressing situations raised the necessity to smoke (Redondo-Flórez et al., 2020). This is another challenge for heavy smokers not to get stressed since they will smoke much heavier—thereby causing poor health.

Surprisingly, these heavy smokers expressed sort of concern over their health. They want— since it is impossible for them to stop smoking —to have cigarettes with least nicotine and tar contained therein. This is another challenge for chemical industrialists to create the preferred cigarettes for heavy smokers. In addition, vaping with some choices of flavours can replace cigarette smoking as supported worldwide, especially in Canada, England and the US. Vapers (mostly ex-smokers) were opposed to flavour ban and restrictions with various behavioural changes of vaping (Gravelly et al., 2022). Thus, cigarette industries have two challenges, namely one to provide cigarettes with the lowest contents of tar and nicotine, apart from vaping as a smoking alternative. At this point, RQ3 is thereby answered.

Described below is further information on contextual issues regarding the smoking individuals which the authority has to consider, such as treatment services to them to create social equilibrium to avoid discrimination among smoking and non-smoking individual—similar to the treatment of people with disabilities as an answer to RQ4

For heavy smokers, they have to be accommodated by provision of sufficient smoking areas to localize possible negative smoking effects. When they have to work in a closed room, there must be sufficient smoke absorbers to decrease potential effects of smoke. Sufficient numbers of ashtrays must be provided to avoid messy ashes in the room.

Smokers with lack of external motivation to quit smoking are of 10%. This means that it is possible for them (prospects) to quit smoking. If at all possible, the authority has to provide counselling units for them to find out ways to quit smoking. Another challenge for the authority or anti-smoking taskforce is to find out how the massive and structured non-smoking campaign reaches this category of smokers. However, the presence of bombastic antismoking campaigns, such as attached on each pack of cigarettes, is sometimes counterproductive. Since the fact is that no smokers suddenly die during the activity of smoking, it is high time the authority thought about a better type of cigarette packaging which can motivate smokers to gradually stop smoking. The current packaging, especially in Indonesia is very disgusting—with a picture of a patient suffering certain diseases plus uncivilized narratives. Research has to be conducted to examine the effects of cigarette packaging on smokers.

Finally, regarding variants of responses, smoking respondents were prompted with a few lines to express their opinions why it is difficult to quit smoking. Their responses vary from one individual to another depending on several factors, such as types of smokers, perceptions on smoking behaviours, and perceived philosophy of smoking. The responses can be outlined as follows:

- Civilized smokers know when, where and with whom they can smoke. They are committed to obedience of the rules in non-smoking zones. They always smoke in a specified smoking area. When there are no 'no smoking signs', normally implying that smoking is allowed, they still ask the people around whether or not smoking is allowed. Such smokers should be appreciated and need not be worried. They know what to do with their health.
- Some smokers think that smoking may give them inspirations related to their professions, such as artists, novelists albeit the facts that such professions do not explicitly state correlation with smoking.
- The difficulty to quit smoking, according to some smokers, is due to the absence of self-motivation to quit smoking, regardless of how much they have been informed of the danger of smoking.
- Some myths of smoking still apply, such as smoking indicates a manly look; the smokers' bodies are adaptable addiction develops over time; some smokers have relatively long life expectations; smoking helps the country with taxes paid by the cigarette industries.

Decision-Making Process to Quit Smoking

Presented below is a flowchart of the decision to quit smoking indicating where to begin, what kind of decision, massive anti smoking campaign as an answer to RQ5.

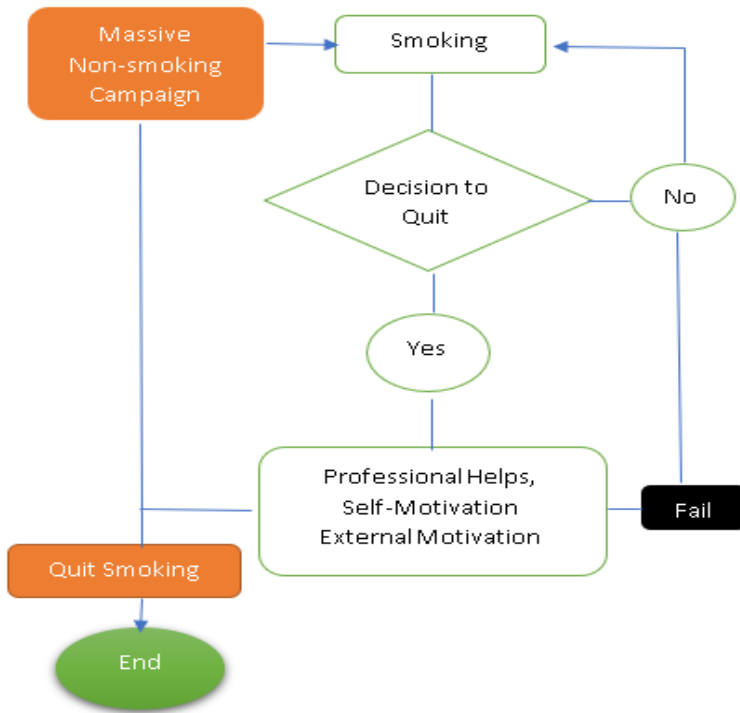


Figure 1. Flowchart of Decision-Making to Quit Smoking

The flowchart (Figure 1) is presented to provide the answer to RQ5 ‘What is the decision-making process to quit smoking?’

For decades, massive propaganda on the perils of smoking has been made to encourage people (smokers) to quit smoking, even to kill the idea that smoking may be beneficial at least socially or financially. The propaganda has, to some extent, been successful as can be seen now that smokers are socially excluded. It is also argued that the financial contribution made through tobacco taxes cannot compensate for the high costs of medical treatments for people suffering from smoking-related diseases. For this, tobacco taxation has to be increased to curb the smoking rates apart from compensating the medical costs in smoking-related diseases (Wu et al., 2020).

Due to the massive and structured propaganda as mentioned above, smokers stand on a critical point whether to quit smoking with promised benefits or to continue smoking at all risks. Those smokers who decide to continue smoking (No), will return to their habitat as smokers. Meanwhile, those smokers who decide to quit smoking (Yes) will search for assistance in order for them to quit smoking. However, another critical point is at risks. Non-smokers who used to smoke have three possibilities; one is that they may find substitutes for smoking such as e-cigarettes (Chen et al., 2022), another one is that they may return to be smokers due to obesity (Salman & Doherty, 2020) or any other effects of smoking cessation ;finally the best one is that they quitted smoking for good.

CONCLUSION AND RECOMMENDATIONS

Much has been discussed related to the controversial issues of smoking. Some, due to the massive propaganda of health problems caused by smoking, agree with a legalized policy of restricting smoking activities by creating the non-smoking zones in public places, such

as colleges, hospitals, offices with conditioned rooms, public transportation, to mention only a few. However, those who still keep on smoking, ignoring the warnings by medical authorities on the danger of smoking are like displaced persons excluded from the society. Some other smokers acknowledge the danger of smoking but failed to stop smoking. Meanwhile, cigarette industries, somehow, contributes financially to the country through taxes. From this point, and to make social and environmental equilibrium, the current study suggests provision of more smoking lots for those who smoke—well-equipped with smoke absorbers to guarantee environmental cleanliness. This is important to avoid smokers from playing hide and seek, and to totally fight discrimination, such as the case in people with disabilities who are mostly provided with special facilities. On violating the regulations, personal appeals are more suitably applied than the ones as stipulated in Mayor's Decree on non-smoking zones. Future research is also challenged to conduct studies related to scientific arguments for possible healthy smokers. Another challenge is for industrial chemistry to formulate tobacco-related products with lowest possible tar and nicotine, and without filters. So far low tar and nicotine cigarettes have been designed with filters. It is therefore left to industrial chemists to work it out. Surprisingly, the process of smoking cessation experiences two critical points, namely (1) the decision to quit or continue smoking, and (2) smoking cessation for good or back to smoking after quitting.

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