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Effectiveness of Television Cigarette Advertising Regulation Based on Minister of Health Regulation No. 56/2017 Concerning the Inclusion of Health Warnings and Health Information on Tobacco Product Packaging

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Abstract: The regulation of cigarette advertising on television is a crucial issue in protecting public health, particularly in efforts to reduce the prevalence of smoking in Indonesia. This study aims to assess the effectiveness of the Minister of Health Regulation No. 56/2017, which mandates health warnings and health information on tobacco product packaging, in mitigating the negative impacts of cigarette advertisements especially among vulnerable groups such as children and adolescents. Employing a normative method with a legislative approach alongside descriptive analysis, the research reveals that while the regulation has successfully imposed restrictions on both the airtime and content of cigarette advertisements, its implementation is hindered by several challenges. These obstacles include insufficient oversight, the absence of stringent sanctions, and resistance from the tobacco industry. Furthermore, the study finds that despite offering initial protection, exposure to cigarette advertising on television continues to contribute to the normalization of smoking behavior within the community. Comparative analysis with regulations in other nations, notably Australia, indicates that a complete ban on cigarette advertising is more effective in lowering smoking prevalence. In light of these findings, the study recommends enhancing monitoring mechanisms, enforcing stricter sanctions, and considering a total ban on television cigarette advertisements to further reinforce public health protection.

Keyword: Cigarette Advertising, Minister of Health Regulation No. 56/2017, Legal Effectiveness, Public Health Protection.

INTRODUCTION

Indonesia is recognized as one of the countries with the highest smoking prevalence rates in the world. According to the 2021 Global Adult Tobacco Survey (GATS), over 33.8% of the adult population are smokers, with the majority being male. Even more concerning is the steady annual increase in smoking prevalence among young people, particularly teenagers.

Cigarettes have become one of the leading causes of non-communicable diseases, including cancer, chronic lung disease, and cardiovascular disorders, all of which place a heavy burden on the national healthcare system. This situation underscores the urgent need to control tobacco consumption through various policies, including the restriction of advertisements, which are a significant driver of smoking behavior. (Handayani, 2023).

Cigarette advertising plays a pivotal role in shaping the image of tobacco products as symbols of modernity and boldness. Research shows that exposure to these advertisements significantly increases the likelihood that children and teenagers will start smoking, with an odds ratio (OR) of 4.458 indicating a strong correlation between cigarette advertising and adolescent smoking behavior (p-value = 0.049) (Suprayitno, 2015). Additionally, marketing strategies such as sponsoring sports and entertainment events are specifically designed to appeal to young audiences, further intensifying nicotine dependency among the youth. Consequently, imposing restrictions on cigarette advertising is a vital measure to prevent the normalization of smoking within society. (Fadhila et al., 2022).

The regulation of cigarette advertisements is designed to protect the public—especially children and adolescents—from exposure that might encourage them to start smoking. Television ads, being exceptionally effective at reaching large audiences, necessitate stringent controls to mitigate their influence. Research indicates that 99.8% of teenagers have encountered cigarette ads, and 81% have participated in activities sponsored by the tobacco industry, underscoring the extensive reach and impact of these advertisements on their behavior. Furthermore, these restrictions are in line with the global health vision promoted by the World Health Organization (WHO) through the Framework Convention on Tobacco Control (FCTC), which emphasizes the importance of curbing tobacco advertising, promotion, and sponsorship. Without robust regulations, efforts to prevent smoking-related diseases will likely be undermined. (Virga, 2017).

Minister of Health Regulation No. 56/2017, which mandates the inclusion of health warnings and health information on tobacco product packaging, sets specific guidelines for the airing times, permitted content, and restricted media for cigarette advertisements. This regulation confines cigarette ads to a broadcasting window from 9:30 PM to 5:00 AM, aiming to reduce the exposure of children and teenagers to these messages. Additionally, advertisements must prominently display clear health warnings and avoid portraying any activities that glorify tobacco use. Although this regulation represents a progressive move, questions remain about its overall effectiveness in curbing the prevalence of smoking. (Kementerian Kesehatan RI, 2017).

METHOD

This study employs a normative legal research method that focuses on examining the prevailing legal norms, including principles, doctrines, and statutory provisions related to cigarette advertisement regulations. Its aim is to analyze the effectiveness of Minister of Health Regulation No. 56/2017, which mandates the inclusion of health warnings and health information on tobacco product packaging, and to identify the challenges in its implementation. The research utilizes both a (statute approach) and an (analytical approach). The statute approach scrutinizes the content, structure, and substance of Regulation No. 56/2017 covering broadcast time restrictions, advertisement content, and the prescribed sanctions while also reviewing other relevant regulations, such as Law No. 17/2023 on Health and Law No. 8/1999 on Consumer Protection. Meanwhile, the analytical approach evaluates how effectively the regulation reduces exposure to cigarette advertisements, especially among vulnerable groups like children and adolescents. This critical analysis of the practical enforcement of the rules highlights the challenges encountered and, ultimately, provides a comprehensive overview of the regulation's success in meeting public health objectives, along with legally grounded recommendations to improve the control of cigarette advertising in Indonesia.

RESULTS AND DISCUSSION

Television Cigarette Advertising Regulation Based on Minister of Health Regulation No. 56/2017.

Minister of Health Regulation No. 56/2017 on Cigarette Advertising and Sponsorship of Tobacco Products is a pivotal policy implemented by the Indonesian government to safeguard the public from the harmful effects of tobacco consumption. This regulation specifically targets cigarette advertising on electronic media, including television, aiming to restrict exposure among the general public especially children and adolescents, who are particularly vulnerable. The regulation outlines several key provisions. First, cigarette advertisements on television are confined to a broadcast window from 9:30 PM to 5:00 AM, a measure designed to minimize exposure among children and teenagers, who typically do not watch TV during these hours. Second, the content of these ads must adhere to specific guidelines; for instance, they must not portray smoking as a symbol of luxury, courage, or success. Additionally, all advertisements are required to display clear and easily readable health warnings, such as "Smoking Kills You" or "Smoking Causes Cancer." Third, the regulation stipulates that the target audience of cigarette ads must exclude children, adolescents, and other vulnerable groups, and it prohibits the use of overly youthful models or visual elements that are likely to attract a younger audience. (Ilmaskal et al., 2019).

The restrictions on cigarette advertising on television serve several key purposes. One of the primary goals is to reduce exposure among vulnerable groups, particularly children and adolescents, to prevent them from developing smoking habits. Additionally, the mandatory inclusion of health warnings in cigarette advertisements aims to raise public awareness about the serious health risks associated with tobacco consumption. By limiting positive portrayals of tobacco products, this regulation is also expected to discourage new smokers from taking up the habit. On a broader scale, these advertising restrictions support the government's efforts to protect public health and align with the global health vision promoted by the World Health Organization (WHO) through the Framework Convention on Tobacco Control (FCTC), despite Indonesia not yet ratifying the treaty. Ultimately, this regulation is intended to shift public attitudes and behaviors toward smoking, contributing to a decline in smoking prevalence across the country. (Nabila et al., 2023).

Evaluation of the Effectiveness of Cigarette Advertising Regulations.

Minister of Health Regulation No. 56/2017 was introduced with the aim of reducing exposure to cigarette advertisements on television, particularly among vulnerable age groups such as children and adolescents. The restriction on airing cigarette ads only between 9:30 PM and 5:00 AM is considered a positive step toward limiting the reach of young viewers, who typically watch television outside of these hours. However, the effectiveness of this regulation in truly reducing ad exposure remains a topic of debate. Despite the time restrictions, some television channels have been found to continue broadcasting cigarette advertisements during the prohibited hours, either directly or through event sponsorships that still capture the attention of young audiences. In this regard, stricter monitoring and law enforcement are crucial to ensuring that the regulation effectively protects the public especially children and teenagers from the harmful influence of cigarette advertising. Furthermore, the success of this policy also relies on the active participation of media outlets in adhering to the established regulations. (Setiawan et al., 2017).

To assess the effectiveness of Minister of Health Regulation No. 56/2017, it is essential to examine data on smoking prevalence before and after the regulation was implemented. According to the 2021 Global Adult Tobacco Survey (GATS), smoking prevalence in Indonesia remains alarmingly high, despite efforts to control tobacco consumption through advertising restrictions. Even before this regulation was enacted, Indonesia had already begun

implementing tobacco control policies by limiting cigarette advertisements in the media. However, smoking rates particularly among teenagers remained high. In fact, data suggests that despite advertising restrictions, youth smoking rates have slightly increased. A more detailed case study on the effectiveness of these advertising restrictions can be seen in the behavioral changes of young smokers following the implementation of the regulation. A significant decline in youth smoking rates will likely only be achieved through stricter enforcement of the rules and broader public education efforts on the dangers of smoking. (Sutrisna et al., 2020).

Challenges in Implementation

One of the main challenges in implementing Minister of Health Regulation No. 56/2017 is the limited resources available for effective monitoring. Although the regulation has been enacted, enforcement efforts often fall short due to a lack of supervisory personnel capable of directly overseeing cigarette advertisements broadcasted across various television channels and other media platforms. Additionally, monitoring event sponsorships that do not explicitly promote tobacco products but still influence consumer behavior particularly among children and teenagers remains a significant challenge. Weaknesses in the oversight system create loopholes that some parties exploit to bypass the regulation through non-transparent means, such as disguising advertisements or using alternative media channels beyond direct supervision. Therefore, enhancing coordination between relevant institutions and strengthening monitoring capacity is essential to ensuring that this regulation is implemented more effectively. (Rama et al., 2020).

The implementation of Minister of Health Regulation No. 56/2017 faces significant challenges in law enforcement, particularly in addressing violations of the regulation. Several instances of non-compliance have been recorded, where television networks or other stakeholders have breached the established rules for example, airing cigarette advertisements outside the permitted time slot or using event sponsorships that could attract the attention of children and teenagers. The sanctions imposed for such violations are often seen as insufficient to create a deterrent effect. This issue stems from weak enforcement mechanisms and a lack of firm action in monitoring and penalizing offenders. Moreover, although the regulation includes provisions for administrative sanctions and fines, their implementation is often inconsistent or lacks tangible follow-through, reducing their effectiveness in driving behavioral change within the tobacco industry and broadcasting sector. Therefore, stricter and more consistent law enforcement is crucial to ensuring that this regulation effectively contributes to tobacco advertising control. (Atikah, 2010).

The tobacco industry presents a significant challenge in the implementation of cigarette advertising regulations. As one of the most profitable industries, it possesses substantial resources and influence to resist regulations that restrict its marketing strategies. Although Minister of Health Regulation No. 56/2017 aims to limit the impact of tobacco advertising, the industry frequently exploits loopholes to continue promoting its products. One common strategy is the use of indirect marketing, such as event sponsorships by tobacco brands, allowing promotional messages to reach young audiences without violating broadcast time restrictions. Additionally, the tobacco industry is known for engaging in political lobbying to influence policies that could negatively impact their business, including advertising regulations. This highlights the need for not only stricter enforcement but also strong political commitment to counter industry resistance and ensure the effective implementation of stricter and more impactful regulations. (Indik Syahrabanu, 2023).

Comparison with Other Countries

Australia has long been a pioneer in implementing tobacco control policies, particularly in regulating cigarette advertising. In 1992, the country introduced strict regulations limiting tobacco advertisements in mass media, including television, with the aim of reducing public

exposure, especially among young people. Since then, Australia has continuously tightened its tobacco advertising regulations. One of the most significant measures was the total ban on cigarette advertisements on television, radio, and outdoor media, which came into effect in 2012. In 2015, Australia took an even bolder step by introducing plain packaging for tobacco products, removing all branding elements and reducing the visual appeal of cigarette packaging. Additionally, any remaining forms of advertising, such as event sponsorships, were required to include highly prominent health warnings, such as "Smoking Kills You." With these strict regulations, Australia has successfully reduced smoking rates significantly, although challenges persist regarding indirect advertising through event sponsorships or social media. Australia's success serves as a valuable lesson on the importance of consistency and firmness in enforcing tobacco control policies. (Dwi Pranoto & Muharjono, 2014).

Thailand has also taken significant steps to control cigarette advertising on television and other media. The country has adopted strict tobacco control policies, with regulations on tobacco advertising on television becoming more stringent since 2005. Thailand has banned cigarette ads in mass media, including television, both during prime time and outside of those hours. Additionally, the regulations in Thailand also prohibit cigarette ads that feature images or characters likely to attract the attention of children and teenagers. The Thai government also routinely conducts public information campaigns to educate the public about the dangers of smoking and its health impacts. An important aspect of these regulations is the presence of a strict monitoring system, with clear penalties for violators, including fines or the revocation of broadcasting licenses for TV channels that break the rules. Thailand's case study shows that tight surveillance and a total ban on tobacco advertising in mass media can effectively reduce public exposure to cigarette ads and lower tobacco consumption rates. With its rigorous regulatory system and consistent enforcement, Thailand serves as a successful example of tobacco advertising control that can be used as a reference for other countries, including Indonesia. (Amila et al., 2021).

Compared to countries like Australia and Thailand, tobacco advertising regulations in Indonesia are still relatively lenient. While the Ministry of Health Regulation No. 56 of 2017, which limits the airing time of cigarette ads on television to certain hours and mandates health warnings on every ad, represents a step forward, it is not as strict as the regulations in Australia and Thailand. In Indonesia, cigarette ads can still be found across various media, despite time-slot restrictions. Furthermore, Indonesia continues to allow cigarette ads through event sponsorships that may appeal to children and teenagers, a practice that has already been banned in countries like Australia and Thailand. This highlights the need for tighter regulations in Indonesia to reduce exposure to vulnerable age groups. The success of Australia and Thailand in lowering smoking prevalence can serve as inspiration for Indonesia to strengthen its tobacco control laws and enhance enforcement efforts. (Sidiqah, 2022).

The experiences of countries like Australia and Thailand offer valuable lessons in tobacco advertising regulation, emphasizing the importance of consistency and strong enforcement. In Australia, the total ban on cigarette ads on television and other mass media, combined with the plain packaging policy that removes branding and logos from cigarette packs, demonstrates a strong commitment to public health protection. These measures have contributed to a decline in smoking prevalence, particularly among young people, who are more susceptible to the influence of advertising. Indonesia can learn from these policies by adopting stricter restrictions on tobacco advertising, not only in terms of airing times but also regarding the type of content and media channels used. To improve regulations, Indonesia needs to integrate a more comprehensive approach that not only limits advertising times but also tackles indirect tobacco marketing, such as event sponsorships or the use of influencers to promote tobacco products. (Syahmin & Fidelia, 2017).

Moreover, stricter enforcement of regulations is another crucial lesson that can be drawn from countries with more advanced tobacco control systems. Thailand, for example, has shown

that strong law enforcement, coupled with clear penalties, can significantly reduce violations of tobacco advertising rules. In Thailand's case, penalties for TV channels violating tobacco advertising rules include fines and the revocation of licenses, which create a deterrent effect and support the success of the policy. Indonesia must strengthen its monitoring and enforcement systems to ensure that the existing rules are truly followed by all involved parties, including television channels, tobacco companies, and those responsible for product promotions. Implementing stricter penalties would send a strong message that this policy is not just symbolic but a serious commitment to protecting public health, particularly for children and adolescents. (Prayoga & Kusuma, 2020).

The experiences of Australia and Thailand also highlight the importance of actively involving public education in tobacco control policies. These countries have not only relied on formal regulations but also conducted extensive public awareness campaigns about the dangers of smoking through various media channels. In Australia, campaigns like Tobacco: Plain Packaging and numerous public advertisements showing the long-term health effects of smoking have successfully changed public perception and reduced smoking rates. In Indonesia, although there have been efforts to educate the public, more extensive and focused health campaigns emphasizing the long-term health consequences of smoking could be strengthened. Indonesia could adopt a more creative approach to public campaigns targeting younger audiences by utilizing increasingly popular digital platforms. Raising public awareness about the dangers of smoking can help reduce the demand for tobacco products, ultimately leading to a decrease in the number of smokers in the country. (Kresnayana & Bagiastra, 2021).

Finally, the importance of involving both the public and the private sector in tobacco control policies can be another valuable lesson drawn from countries like Australia and Thailand. Both nations have engaged the wider public in tobacco control efforts, whether through education, advocacy, or participation in policy formulation. In Indonesia, the public and non-governmental organizations working in the health sector can play a more active role in promoting policies that support reducing smoking prevalence. Moreover, the involvement of the private sector, particularly the media industry, in educating the public and complying with existing regulations can help create a more supportive environment for the effective implementation of tobacco control policies. With closer collaboration between the government, the public, and the private sector, Indonesia can create more effective and sustainable regulations to reduce tobacco consumption. (Karlina et al., 2021).

CONCLUSION

Based on research, the regulation of tobacco advertising on television under Minister of Health Regulation No. 56 of 2017 represents a positive first step, especially through the restriction of broadcast times. However, its effectiveness remains limited due to weak monitoring and loopholes in the content of ads that still appeal to teenagers. The high smoking prevalence indicates that this regulation needs to be supported by additional strategies, such as a total ban on tobacco advertising, stricter oversight, and the enforcement of stricter penalties. Furthermore, public education through awareness campaigns on the dangers of smoking, both through traditional and digital media, should be expanded. By strengthening regulations and adopting a more comprehensive approach, it is hoped that smoking consumption, especially among teenagers, can be significantly reduced.

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