

**GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA  
NUMBER 38 OF 2000**

**ON**

**AMENDMENTS TO GOVERNMENT REGULATION NUMBER 81 OF 1999  
ON CONTROL OF THE IMPACTS OF TOBACCO ON HEALTH**

**THE PRESIDENT OF THE REPUBLIC OF INDONESIA,**

Considering:

that in order to comply with provisions for maximum levels of nicotine and tar content in cigarettes, it is necessary that there be a period of study of both the technology and the social and economic impacts on the community, which necessitates that Government Regulation Number 81 of 1999 on Control of the Impacts of Tobacco on Health be amended;

In view of:

1. Article 5 clause (2) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 23 of 1992 on Health (State Gazette of the Republic of Indonesia of 1992 Number 100, Supplement to the State Gazette of the Republic of Indonesia Number 3495);
3. Government Regulation Number 81 of 1999 on Control of the Impacts of Tobacco on Health (State Gazette of the Republic of Indonesia of 1999 Number 186, Supplement to State Gazette Number 3906);

**DECIDES:**

To decree:

**GOVERNMENT REGULATION ON AMENDMENTS TO GOVERNMENT REGULATION  
NUMBER 81 OF 1999 ON CONTROL OF THE IMPACTS OF TOBACCO ON HEALTH.**

**Article I**

Several provisions of Government Regulation Number 81 of 1999 on Control of the Impacts of Tobacco on Health (State Gazette of the Republic of Indonesia of 1999 Number 186, Supplement to State Gazette Number 3906) are amended as follows:

1. Provisions of Article 17 clause (2) are amended to read as follows:

**"Article 17**

(1) Advertising and promotion of cigarettes may be carried out only by those persons who produce cigarettes and/or who import cigarettes within the territory of Indonesia.

(2) Advertising as referred to in clause (1) may be conducted in electronic media, print media or outdoor media."

2. Provisions of Article 39 are amended to read as follows:

Article 39

(1) Producers or importers of machine-made white cigarettes into Indonesian territory at the time of promulgation of this Government Regulation must comply with the restrictions on maximum nicotine and tar content in accordance with provisions of this Government Regulation within no more than 2 (two) years from the date of promulgation of this Government Regulation.

(2) Producers of machine-made and hand-made clove cigarettes at the time of promulgation of this Government Regulation must adapt their production to comply with restrictions on maximum nicotine and tar content in accordance with the provisions of this Government Regulation within no more than:

- a. 7 (seven) years for any person who produces machine-made clove cigarettes;
- b. 10 (ten) years for any person who produces machine-made clove cigarettes.

(3) To implement the provisions of clause (2) the Institute for Tobacco Studies is hereby established as an independent Non-Governmental Institution whose membership shall consist of representatives of government, representatives of professional organizations, tobacco experts, representatives of the cigarette industry and other related elements as shall be stipulated by Presidential Decree.

(4) Any person who produces cigarettes as referred to in clauses (1) and (2) during the transitional period either as a sole trader or jointly shall carry out various activities in the form of application of science and technology, tobacco crop diversification and other efforts which can produce products that comply with this Government Regulation."

Article II

This Government Regulation shall take effect on the date it is enacted.

In order that it be known to all, orders the promulgation of this Government Regulation through its placement in the State Gazette of the Republic of Indonesia.

Enacted at Jakarta  
on the 7th day of June 2000

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

signed

ABDURRAHMAN WAHID

Promulgated in Jakarta  
on the 7th day of June 2000

SECRETARY OF STATE OF THE REPUBLIC OF  
INDONESIA,

signed

DJOHAN EFFENDI

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2000 NUMBER 87

**ELUCIDATION**  
**ON**  
**GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA**  
**NUMBER 38 OF 2000**  
**ON**  
**AMENDMENTS TO GOVERNMENT REGULATION NUMBER 81 OF 1999**  
**ON CONTROL OF THE IMPACTS OF TOBACCO ON HEALTH**

**GENERAL**

Government Regulation Number 81 of 1999 on Control of the Impacts of Tobacco on Health comprises one element of implementation of the provisions of Article 44 of Law Number 23 of 1992 on Health.

Article 4 of Government Regulation Number 81 of 1999 stipulates that maximum levels of nicotine and tar content of each cigarette distributed within the territory of Indonesia are restricted and may not exceed 1.5 mg of nicotine and 20 mg of tar respectively.

Determination of the maximum levels of nicotine and tar content as referred to above requires sophisticated mechanical processing technology. Cigarette companies that will be affected by these provisions are those that employ manual processes as well as those that employ a combination of manual and mechanical processes. Use of these technologies will have a significant impact on clove cigarette companies where cigarettes are hand-made to produce a traditional taste.

The Forestry and Plantation Research and Development Agency has produced varieties of tobacco with low nicotine content (approximately 2%) compared to the varieties currently in general use ( $\pm$  5-7%). However, if they are to be adopted by the tobacco industry, it will take some time to be accepted by consumers because of the difference in the taste. In addition, use of such sophisticated technology requires preparation of resources, facilities and infrastructure for its implementation.

Article 39 of Government Regulation Number 81 of 1999 on Control of the Impacts of Tobacco on Health stipulated the time limits for compliance with restrictions on maximum levels of nicotine and tar content. However, the time limit for producers of handmade clove cigarettes is 10 (ten) years, because tobacco harvested during 1999 will not be processed until 2001.

In relation to implementation of provisions for control of the impacts of tobacco on health, it is also necessary to establish an Institute for Tobacco Studies consisting of representatives of government, professional organizations, tobacco experts, the tobacco industry and other related elements which will examine various issues and monitor the implementation of the provisions of Government Regulation No. 81 of 1999 on Control of the Impacts of Tobacco on Health to ensure acceptance of this Government Regulation by all parties.

**ARTICLE BY ARTICLE**

Article I

Number 1

Article 17

Clause (1)

Sufficiently clear

Clause (2)

What is meant by outdoor media includes among others billboards and electronic media (electronic billboards) that are outdoors.

Cigarette advertising in the electronic media is permitted only between the hours of 9:30 pm and 5:00 am local time.

Number 2

Article 39

Clause (1)

Sufficiently clear

Clause (2)

This provision shall apply to both large scale and small scale cigarette industries.

Enforcement of the transitional period shall commence after receipt of the recommendations of the study by the Institute for Tobacco Studies.

Clause (3)

The Institute for Tobacco Studies is tasked with conducting an assessment and evaluation of the feasibility of implementing the provisions of paragraph (2) based on technological, social and economic considerations.

Clause (4)

Sufficiently clear

Article II

Sufficiently clear