Conference Paper

Implementation of Human as Bridge in Advocacy of Cigarette Area in Universitas Pembangunan Nasional “Veteran” Jawa Timur

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Abstract

Universitas Pembangunan Nasional “Veteran” Jawa Timur (UPN Jawa Timur) as a pioneering development undergraduate campus, where the interaction of the teaching and learning process of the academic community has declared itself as a non-smoking campus area based on the spirit of Government Regulation number 109 of 2012 concerning the safeguarding of substances containing substances addictive in the form of tobacco products for health and Surabaya City Regulation Number 5 of 2008 concerning no-smoking areas and limited smoking. However, since the rector’s decision regarding the inauguration of UPN Jawa Timur as a non-smoking campus area from 2011 to 2018 results were not encouraging. He still got a part of the academics who smoke in random places, lack of internal arrangements related to non-smoking areas, the absence of maps without smoking areas and limited smoking, low socialization for the academic community, lack of advocacy for customers without cigarettes. As well as still not maximizing the function of internal supervision which is the estuary of the problems that plague the realization of a beautiful, healthy and free from cigarette smoke. Ideally, the campus is the front guard in the success of healthy behavior without smoking for young people in Indonesia. Advocacy is needed to strengthen the rules for the implementation of non-smoking areas in UPN Jawa Timur, a strategic effort to limit smokers active in certain areas, improve humanist supervision procedures and not forget to look at the basis of coaching through a personality approach for violators from the academic community.

Keywords: Advocacy, no smoking area, cigarettes

INTRODUCTION

Universitas Pembangunan Nasional “Veteran” Jawa Timur as one of the campuses where the teaching and learning process takes place has declared itself to be a campus that implements a non-smoking area based on Government Regulation number 109 of 2012 concerning Safeguards of substances containing addictive tobacco products for health and Regional Regulation Number 5 of 2008 concerning areas without smoking and limited smoking. However, since the issuance of the Chancellor’s decision regarding the inauguration of the UPN as a non-smoking area from 2011 to 2015, there were less encouraging results. This can be seen from the number of academics who still smoke in the campus area.

Today around the world there are an estimated 1.26 billion smokers, more than 200 million of whom are women. WHO data says that in developing countries there are 800 million smokers, nearly three times the developed

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countries. Every day around 80-100 thousand teenagers in the world become addicts and are addicted to cigarettes. If this pattern persists, then around 250 million children living today will die from diseases related to smoking. In 2000 there were 3.5 million deaths from smoking a year, of which 1.1 million occurred in developing countries. The mortality rate is estimated to increase to 10 million people in 2025, 70% of which come from developing countries. Whereas Indonesia ranked 5th in world cigarette consumption and ranked 7th in tobacco producers.

It is necessary to conduct a survey and research that can provide a more accurate picture to provide input to policymakers and related units in ensuring the implementation of human as a bridge in advocating non-smoking areas at the Universitas Pembangunan Nasional “Veteran” Jawa Timur.

Problems of the Study

Based on the description above, the problems of the study are as follows implementation of human as a Bridge campus area without smoking on the campus of UPN “Veteran” Jawa Timur and the factors that hinder the implementation of human as a Bridge (advocacy) campus without smoking area on campus UPN “Veteran” Jawa Timur.

METHODS
Nature of Research

The research on the Human As Bridge Model as an Advocacy for Non-Smoking Areas at the Universitas Pembangunan Nasional “Veteran” Jawa Timur is empirical juridical research or non-doctrinal legal research and is also called sociological legal research (socio-legal research) which focuses on the operation of the law in society (Sunggono, 2003).

Types of Research

The approach used in this study is the legal approach (statute approach), case approach (case approach) and conceptual approach (conceptual approach). The legislation approach is the basis of the analysis that will be carried out on the implementation of the articles in the law, which relate to advocacy without smoking areas while the case approach is intended to identify problems that arise and analyze them.

This study uses two main research data sources which include primary data and secondary data. Primary data used is obtained directly from the field or often known as field research with a starting point on legal aspects (juridical). To support and complete the validity of field data, it is necessary to have secondary data obtained from library research as a means to study and process research data that has been obtained previously.

Result Analysis

All research data that has been collected completely, both obtained from library research and field research, is then processed and analyzed qualitatively. Qualitative analysis is carried out by paying attention to facts that really occur in the field. The research data that has been analyzed is then compared with secondary data or norms that should apply, then conclusions are taken by using deductive thinking methods, which are based on general theories or concepts (applied) to explain the relationship of data to other data.

The results of the research obtained will be compiled in a final report that is descriptive in nature to provide a true picture of the effectiveness of the application of non-smoking areas at the Universitas Pembangunan Nasional “Veteran” Jawa Timur.
RESULT AND DISCUSSION

Realization of the implementation of the no-smoking area in Campus of UPN "Veteran" of East Java which has been effective since 2011 needs to be reviewed and evaluated to see the program effectiveness. This program is based on research results supported by almost 71.9% academic community who want the realization of no smoking campus that really runs on UPN "Veteran" of East Java. Only 26.3% of the academic community stated that they refused to implement the program.

Assessing the effectiveness of the implementation of no-smoking areas in UPN "Veteran" of East Java is closely related to awareness and adherence of the academic community to the applicable legal provisions. In other words, if the rule of law is adhered by campus academic community, then it can be said that the rule of law has been effective.

The legal compliance level of the academic community of UPN "Veteran" East Java can be seen from the legal compliance theory according to Achmad Ali, CG Howard, and R. S Mummers as follows:

The relevance of general law rules with the legal needs of the people who are the rule target.

If the intended one is the regulator or legislators, in this case, the university senate, the regulators are required to be able to understand the legal needs of the regulation enactment target, the academic community. Based on the study results it was found that there were no specific university rules in the form of rector regulations or other technical instructions on smoking bans on the campus.

However, according to the author’s opinion, it should be that UPN "Veteran" of East Java as campus organization embodies the No-smoking Area rule contained in Government Regulation No. 109 of 2012 concerning safeguarding for materials containing addictive substances and Surabaya City Regulation Number 5 of 2008 concerning No Smoking Areas and Limited Smoking Areas in separate regulations. Includes arrangements with additional technical matters. Thus, the regulation of no-smoking areas can be used as the reference and a basis for the implementation of the clear and measurable sanctions toward violations occurred and the legal umbrella for law enforcement toward violations occurred at the faculty level. As Hans Kelsen in his theory explains that legal norms are tiered and layered in structure hierarchy. Legal norms have always based the norms above, but downward legal norms also become sources and become the basis for lower norms (Soeprapto, 2007).

With current conditions, the no-smoking area implementation in UPN "Veteran" of East Java can still refer to the general regulations on no-smoking areas in the Surabaya City Regulation No. 58 of 2008 concerning No Smoking Area and Limited Smoking Area and Article 3 (2) letter a Surabaya Mayor Regulation No. 25 of 2009 concerning Implementation of Surabaya City Regulation No. 58 of 2008 concerning No-smoking Areas and Limited Smoking Areas. However, in terms of law enforcement for violations of no-smoking areas in the UPN "Veteran" area of East Java become ambiguous and cannot be done. This is constrained due to the lack of clarity in responsible apparatus, field monitors and field implementers and the sanctions level given.

Clarity from the substance formulation of the rule of law, easy to understand.

The substance formulation of the rule of law must be well designed. If the rules are written, it must be written clearly and easily understood. Although later it will use interpretations from law enforcers who will implement it.

The results showed 80.7% of respondents could understand the rules of no-smoking areas in the campus of UPN "Veteran" of East Java well, 10.6% of respondents said they did not understand and 6.98% of respondents said they were hesitant. So the rules of procedure are considered effective in guiding the academic community obeys to the applicable law even though it is still in the realm of Surabaya City Regulation No. 58 of 2008 concerning No-smoking Areas and Limited Smoking Areas.
Optimal socialization to all communities.

Forbidding regulations are seen as better than those that require the reason the forbidding regulations are easier to implement than regulations that require them (Ali, 2011; Fuady, 2003; Indrati, 2007).

The results showed the majority of respondents 71.9% stated his agreement with the determination of East Java UPN as one of the No-smoking Campus Areas in Surabaya. While other 18.6% claimed as did not agree with the determination. The remaining 7.7% stated that they refused or did not agree with the determination of the No Smoking Area Campus. Thus, it can be said that generally, the academic community supports the existence of UPN "Veteran" of East Java as campus without cigarettes.

The socialization media that is considered the most effective in socializing is through the installation of smoking signs /instructions /restrictions on the campus area of UPN "Veteran" of East Java. The majority (58.9%) of respondents claimed to know the smoking ban arrangement from seeing the smoking ban signs /instructions /warnings installed in the campus area. While 37.7% stated there was no view of smoking ban signs /instructions /warnings installed in the campus area. Only about 1.97% of respondents expressed other opinions.

Another form that is important equally with the rule socialization success is the emergence of support and awareness from the academic community to always remind another academician not to commit violations while on the campus. Most of the respondents (57.39%) admitted that the effort to remind smokers not to smoke so far has been unsuccessful. Even 34.47% of other respondents stated explicitly that the reaction of smokers who were reminded not to smoke while on the campus without smoking was not successful at all. Only 7.53% of UPN East Java respondents stated that efforts to remind these smokers not to smoke in no smoking areas were considered successful.

The socialization success influenced by the academic community’s attitude against the rules that will determine the effectiveness of the regulation implementation. If most people behave negatively, meaning they will not obey these rules and possibly many offenses if applicable (Miru & Yodo, 2004). The behavior toward the smoking risks of adults is affected by their parenting during childhood. The more afraid of smoking risks, the less they will smoke. Authoritative parenting will make the child’s behavior little smoking (Prodjodikoro, 2006).

The severity of sanctions that are threatened must be proportional and possible to be implemented.

Too heavy sanction difficult to implement and can make injustice instead of too light sanctions make the law purpose not achieved and the nature of deterrence is not functioning, so people will not hesitate to commit crimes or violations (Widjaja & Yani, 2003).

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The severity of sanctions that are threatened must be proportional and possible to be implemented.

Too heavy sanction difficult to implement and can make injustice instead of too light sanctions make the law purpose not achieved and the nature of deterrence is not functioning, so people will not hesitate to commit crimes or violations (Soekarno, 2010).

The results showed that the majority (78.2%) of the academic community respondents of UPN “Veteran” of East Java admitted that they did not know the sanctions form that would be imposed on violators of No Smoking Areas. An only a small percentage of them (9.84%) were aware of the sanctions threat for violators. The remaining around 10.6% of respondents said they were hesitant about whether there is sanction threat or not.

Academic community knowledge towards these sanctions is directly proportional to the lack of directives or instructions installed on campus. The respondent’s majority (84.3%) of the UPN “Veteran” of East Java admitted that they had never seen any form of sanction in public places that would be imposed on violators of the No Smoking area. An only a small number of respondents (13.1%) said they saw sanctions threat for violators in public places in the campus area. The remaining around 1.25% of respondents said they were hesitant about whether or not there was sanction threat.

While the results of interviews with the Deputy Chancellor for general and finance explained that to date there have been no university rules or technical guidelines regarding smoking bans on campus as a reference in action, including sanctions.

Enable the law enforcer to process if there is the rule of law violation.

Violations committed by the perpetrators bring logical and decisive consequences for sanctions threat that have been regulated. The sanctions implementation is concrete action to enforce the rules that have been enacted and passed (Soekanto, 2011).

Even though UPN “Veteran” of East Java does not have an independent regulation regarding the no smoking area, but if it refers to Article 8 paragraph 2 of the Surabaya Mayor Regulation No. 25 of 2009 concerning the Implementation of Surabaya City Regulation No. 58 of 2008 concerning No-Smoking Area and Limited Smoking
Area stated that each leader or person in charge of the learning process place as referred to in Article 3 paragraph (2) is obliged to give warning, reprimand and / or take action to every student, educator and education staff or every people who are in the area where the teaching and learning process is their responsibility if proven they carry out these activities.

The results showed that almost half (49%) of respondents in UPN "Veteran" of East Java admitted that they had never seen officers or leaders rebuked offenders who smoked or did not smoke in the campus area. This data is strengthened again from 37.9% of respondents said it is very rare to see officer or leader admonishing the offenders who smoke or not to smoke in this campus area. Only a few (11.6%) stated that they often saw officers or leaders who were committed to reprimand the offenders who smoked or not to smoke in the campus area of UPN "Veteran" of East Java.

This data is directly proportional to the practice of giving administrative sanction which is further sanctions if the warning sanctions do not have a positive effect. The majority (77.5%) of respondents from UPN "Veteran" of East Java claimed to have never seen or found out that officers or leaders gave administrative sanctions for offenders not to smoke anymore. While 15.4% of other respondents said they rarely saw or knew of any officers or leaders who gave administrative sanctions for violators in no-smoking areas in UPN East Java. Few (5.72%) of respondents said they had seen or knew of officer or leader giving administrative sanctions for the offender.

It was also revealed that most (50.6%) respondents of the UPN East Java academic community admitted that they were hesitant about the commitment and courage of officers or leaders in cracking down smokers who smoked in this no-smoking campus area. Even more than 31.1% of respondents stated unanimously that officers or leaders did not have the commitment and courage to take action against violations in this no-smoking area. Only 16.8% of respondents who still believe officers or leaders still have the commitment and courage to take action against cigarette offenders in the East Java UPN "Veteran" campus area.

Sanctions form that is still common and not measurable, will later have an impact on the likelihood that the offender will be completely free from the law (Sudikno, 2003). Those who have authority in enforcing sanctions are also not clearly regulated so that it is feared that in the future the interpretation of existing rules will differ depending on the interests behind it.

In the author opinion, the violations handling should be carried out by a legal, credible and patterned disciplinary unit committee and can provide legal decisions related to actions that must be taken. While the security unit is tasked with reminding or reprimanding any violations.

Legal rules that contain moral norms in the form of prohibitions, will be relatively more effective than legal rules that are contradictory or not regulated as moral norms.

The results showed the majority (61%) of respondents claimed to feel comfortable and helped by the existence of no-smoking Campus Program at UPN "Veteran" of East Java. While 17.5% of other respondents felt uncomfortable with the determination of UPN "Veteran" East Java as one of the No Smoking Areas in the City of Surabaya. The remaining 19.5% of respondents said they did not want to respond by setting a no-smoking area on the campus of UPN "Veteran" East Java.

However, academic community experience in this survey expressing their dissatisfaction with the program implementation of No Smoking at UPN "Veteran" of East Java. Most (46.3%) of respondents admitted that the implementation of the No Smoking Campus Area program at UPN East Java was considered very unsatisfactory. Plus 39.36% of the other respondents explicitly stated that they were not satisfied with the implementation of the No Smoking Area program on the campus of UPN "Veteran" East Java. Only 12.8% of the remaining respondents still stated the value of satisfaction in the implementation of No-smoking Areas in this campus.
Thus, the prohibition rules for the academic community of UPN “Veteran” of East Java for not smoking while in campus provide more comfort. The study results are positively correlated with the feeling of dissatisfaction among the academic community when the existing rules are not enforced and the offender is not sanctioned.

Optimality and professionalism of law enforcement officials in enforcing the rule of law in general.

Sociologically, between the rule of law and law enforcement are two different things. Legal rules, including laws and the various legal principles that underlie it, are abstract, whereas the implementation of law including the operation of sanctions is concrete one. The link between the abstract and concreteness in law enforcement is law enforcer, especially the party appointed or trusted to do punishment.

Every law enforcer sociologically has position and role. The position is a certain position in the social structure that may be high, medium or low. This position is a container whose contents are certain rights and obligations (Raharjo, 2010). These rights and obligations are a role. Therefore, a person has a certain position usually called the role holder. A right is actually an authority to do or not act while an obligation is a burden or duty.

Law enforcers in the context of campus life are individuals or bodies stated by regulations (regaling) or provisions (best hiking) of the university leaders in taking action against every perpetrator who commits an offense. Acquisition of research results shows that institutions or individuals who are given authority in conducting supervision and prosecution are not yet clear because there are no written decisions. However, on several occasions the weekly rally the Rector orders the faculty leaders to supervise and suppress the academics community who violate the program. If drawn further, the faculty leader is the person in charge of the activities of their unit’s activities. That way, this is in line with the affirmation of Article 8 of the Surabaya Mayor Regulation No. 25 of 2009 concerning the Implementation of the Surabaya City Regulation No. 58 of 2008 concerning No-smoking Areas and Restricted Areas Smoking every leader or person in charge of the learning process place must prohibit, give reprimand and warnings and or take action against every student, educator and education personnel who commit violations.

The results showed that almost half of the respondents of the academic community of UPN “Veteran” East Java (49.73%) admitted that the implementation of No-smoking Campus Area in UPN East Java had only been applied for a part and seemed not serious. Even 38.64% of the other respondents expressly stated their judgment that the no smoking area had not been implemented properly and seriously in the campus of UPN “Veteran” East Java. Only 7.87% of respondents stated that the implementation of No-smoking Areas in UPN East Java was implemented properly. Other respondents (1.9%) expressed other opinions. The lack of student satisfaction is in line with the absence of supervision and repression of violations that have occurred on campus in the past six years.

Professionalism and optimality of the implementation of the role, authority and function of law enforcer, is not enough only in the field of law enforcement. However, it must also be seen from the side of how they carry out the tasks assigned to them.

The results showed that the management of daily tasks and responsibilities division and the performance achievement in the program of no-smoking areas in UPN “Veteran” of East Java was not satisfactory in terms of the indicators above.

CONCLUSION

Based on previous description, there are some conclusion as the closing of this paper as follows:

1. The implementation of human as a Bridge in a non-smoking area campus in East Java’s UPN “Veteran” campus has not been effective because it needs to strengthen the rules for the implementation of Non-Smoking Areas in UPN East Java, gradually but surely seeks to limit smokers to smoking areas to the lowest line and strengthen the formation base for offenders with a personality approach.

2. Factors that hinder the implementation of human as a Bridge (advocacy) campus without cigarettes on the campus of UPN “Veteran” East Java come from internal and external campuses. Internal constraints are
caused more by the lack of regulation, the low socialization of KTR, the rare advocacy for violators, and the supervision is not optimal.

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The writer realizes that the research is still far from being perfect. Therefore the writer will be delighted to accept every comment and suggestion. Hopefully, the research will be beneficial for everyone who reads it and those who are concerned with the research.

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