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THE INFLUENCE OF INTELLECTUAL CAPITAL AND SHARIA COMPLIANCE IMPLEMENTATION OF LOCAL GOVERNMENT REGULATION OF NO SMOKING AREA IN GOVERNMENT INSTITUTIONS (PERDA KTR) IN BLITAR CITY

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ABSTRACT

This research is use to find out about the implementation of the Local Government Regulation on KTR (No Smoking Area) in the government agency of Blitar City. The focus of this paper is on policy in the application of Local Government Regulations related to KTR in Blitar City. The established KTR policy aims to harmonize the rights of smokers and the right of health with healthy living behaviors. Data collection methods are in-depth interviews, in addition to the community, also with several government agencies in Blitar City that have been chosen such as the Blitar City Government and the Public Health Office. In conclusion, the KTR Local Government Regulation in addition to being a form of implementing the law, is also a point of harmonization between the rights of smokers and non-smokers to breathe clean air.

Key words: Implementation, Local Government Regulation, KTR (Orderly Area of Cigarettes), Blitar City

1. INTRODUCTION

Implementation is a follow-up the rules, policies or a collective agreement to support the achievement of objectives. According to Panjaitan (2015), policy implementation is a stage in public policy between policy makers with consequences for the people they influence. Whereas Ratih and Hidayat (2015) stated that policy implementation plays an important role in the public policy process and a way for a policy to achieve its objectives.

As we know that smoking makes the environment unhealthy, because the smoke contains many harmful substances that can cause pollution to the environment and can disrupt the health of the smokers and those around them. Most people can die from consuming excessive cigarettes. The impact of the dangers cigarette is not only felt by the smokers but also for those around them. Therefore to be able to reduce the negative impacts there must be a policy taken, one of them is the application of KTR (No Smoking Area). KTR (No Smoking Area) is a policy that requires the implementation of every policy holder so that the objectives can be realized.

No Smoking Area is one of the government's efforts to protect nonsmokers from exposure to cigarette smoke. Control of cigarette smoke from smokers is a solution in

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maintaining the health of active and passive smokers, so that they can breathe clean air which is free from exposure to cigarette smoke. Health services are the right of every community and citizen because health is one of the basic human degrees of recognition [1]. Without health, everyone will not be able to obtain the other rights. A healthy lifestyle in the community is better known as the Clean and Healthy Lifestyle (PHBS). The term PHBS (clean and healthy lifestyle) can provide a view in achieving the best degree of health, so a behavior is needed in paying attention to cleanliness that can affect his health [2].

2. RESEARCH METHOD

This research uses a qualitative research method with a descriptive approach to expand research cases and obtain information about the implementation or application of local government regulations on KTR (No Smoking Area) in Blitar City with in-depth interviews and continuous observation during the research taking place in the environment of one of the government agencies in Blitar City. The data collected is a data derived from observations, interviews and personal documents, as well as other official documents.

The research location which used was one of the government agencies in Blitar city. The place was chosen because the government agency has a strategic place in addition because the government agency has just implemented government regulations relating to the KTR (No Smoking Area). The determination of the object or informant is using random sampling techniques and the sampling has been considered by researchers and the criteria of the sample have been known before [3].

To obtain true and accurate data in accordance with the facts in the field, the data collection methods were carried out with the following procedures [4]: 1) Library Research, collecting data carried out by reading, cite, record, and understand a variety of literature relating to the problem under study with various sources, 2) Field Study (Field Reasearch), collecting data conducted by conducting research directly on the place or object of research by using interview techniques to informants, 3) technical data analysis method, after all data has been collected, both primary and secondary data are analyzed by means of, first, data selection, is a process of data selection, data simplification, data abstracting, and

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transformation of rough data or raw data emerged from written notes in the field.

Second, checking data is a stage in checking all data that has been collected, including completeness of data entry, readability in writing, clarity of answers from sources, relevance of answers, suitability of all data used, and so on.

Third, the classification of data, is an attempt to classify and sort data based on certain groups that have been made and determined by researchers.

Fourth, the compilation of data is a process in collecting data and the process for recording data. The process of data analysis is an attempt to answer a question related to the formulation of the problem in this research and other things that exist in the introduction.

In conducting the analysis process the researcher uses descriptive-qualitative analysis, is a series of data that has been arranged regularly in accordance with its classification and appropriate with the reality obtained in the field and arranged in an explanation and description of the sentence so that it becomes an answer to the problems that exist in the formulation of the problem. If all of the stage running well, the next stage is the preparation of conclusions based on the answers to the results of the study, then the preparation of a suggestion from researcher to improve of the problems encountered.

3. RESULT

The number of smokers is increasing every day, while one indicator of the success of national development through the health sector can reduce the rate of smokers, especially the younger generation, also regulates the right of smokers dealing with nonsmokers: idealism people that smoking is harmful to their health, so he has the right to clean air from cigarette smoke. These two positions show that the reality of society and the demands of the government through regulations have not yet reached the point of harmony.

Related to this news, strategic steps have begun to be applied by the government by implementing local government regulation (Perda) Number 1 of 2019 on KTR - also reinforced by Perwali on KTR as a realization so this regulation can be applied to the maximum, both concerning formal matters and in the form of sanctions such as warning, oral, written and administrative sanctions. This step is carried out by socialization to the

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community in a gradual manner. But the government of Blitar City, until now still giving priority to KTR is limited to public health facilities, places of worship, places of education, children's playgrounds, public transportation and offices; special offices will be provided with special smoking areas which must ensure that the surrounding environment is free of cigarette smoke [5].

Relating to the implementation of this KTR regulation, there are also several statements from related parties:

"... As for the Local Government Regulation on KTR has been gradually socialized to the general public. However, to implement it legally, it must also be accompanied by Perwali: we are targeting between October to November 2020 to be effective. Because it must be known that the application is also not free from the imposition of sanctions and the formation of a special police in order to maximize its function. "[6]

The government of Blitar City with its KTR Regulation has actually taken several steps, specifically through the socialization of the KTR Regulation. In this case, for example, it was carried out in Kepanjen Kidul village area. Several important points were announced in relation to KTR in this event. The community in this forum welcomed: demonstrated by their presence and enthusiasm with this KTR socialization. This is same with the opinion of Muhairi, as the village head said that:

"... a year ago we held a KTR socialization agenda on Government's mandate in Blitar City, and we also conveyed the results to the lower levels such as the RT and RW. The community welcomed to the event well, and we personally also strongly agree with the policy through KTR regulation. And all villages in Blitar Regency also knew that in the future the KTR regulation would be made effective according to the mandate of the law. So far, at least after the event, we have also tried to make a smoke-free service environment as a habit, although it does not rule out that there are still some village officials here who are not disciplined, for example still providing ashtrays in service rooms and so on. However, we will still provide a special room for smokers in future, especially if there are higher official's levels who are visiting here. Clearly, if the room used air conditioner, definitely smoke-free, "[7]

4. Discussion

The descriptions how the KTR regulation process takes place, as the above sources of information, related parties such as the Government office and Public Health Office of Blitar City have explained that the KTR Regulation is a mandate of the law to be implemented in

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Blitar City, also as a part of national development. Health is not only an individual responsibility, but also the responsibility of the community, private sector or government. As a part of government responsibilities, health is a compulsory joint affair between district / city governments. Social environmental factors and health behavior of the community is one important factor in terms of social health. One physical environment that needs attention is air. Air has a very important function for human life and other living creatures so that it is necessary to control the things that can pollute the air.

A. Local Government Regulation of KTR: Harmony of Interests

Implementation is a stage in the public policy process that is usually carried out after a policy is formulated with clear and appropriate objectives. It is a series of activities in the context of providing policies to the community so that they can bring the expected results [8]. Some of the series of activities include the preparation of a set of advanced regulations which are interpretations of the policy. For example, from a law, a number of Government Regulations and Local Government Regulation. Consequently, it must prepare the resources used to drive the implementation including the facilities and infrastructure.

Related to policy, actually it is not only formulated and made a positive form such as a law, but a policy that must be implemented in accordance with the desired goals. The policy implementation process begin if policy objectives have been formulated, a program has been created, and funds have been allocated for the achievement of the policy objectives. The problem of KTR, as we know that it is an activity in a matter of production, sale, advertising, promotion, and the use of cigarettes which have been declared prohibited in certain areas or rooms. The purpose of a non-smoking area is to protect the entire community from pollution or exposure to cigarette smoke by ensuring that other public places are also free of cigarette smoke.

Returning how the performance of the government of Blitar City in implementing of KTR Regulation although seemingly slow it has illustrated that implementing a policy into a community pattern is not easy. This is indicated by the length of time from the draft Local Government Regulation on KTR which began in 2017, began to appear in 2019 but until

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2020 there were still many questions left. However, we can still give appreciation because since early 2019 socialization has been intensely promoted to the village level.

However, we can also see a dualism of interest in the context of the problem of smoking. On the one hand, some Indonesian people, cigarettes are not something new. Even for certain people, smoking are something that cannot be separated from daily life, it becomes an "obligation" in certain situations. While on the other hand, the view that smoking is a right, but not a human right. There are higher rights than smoking, that is the rights of people to get clean and healthy air; because smoking is bad for the health of smokers themselves (active smokers) and for others in the vicinity who are forced to take part in breathing cigarette smoke (passive smokers). Therefore, the nuances of how the intersection of dualism of interest in the implementation of the Local Government Regulation on KTR in Blitar City based on both parties. Consequently, it is indeed not an easy process to make this KTR regulation effective in the community.

B. Local Government Regulation of KTR: Juridical Analysis and Policy Theory

Local Government regulations are an integral part of the concept of legislation. In each Local Regulation formation, there needs to be openness which giving opportunities to the public, both from the elements of academia, practitioners, and other relevant elements of society to participate, both in the planning, preparation and / or discussion of the Draft Local Government Regulation by providing opportunities to provide input or suggestions for consideration orally or written in accordance with the provisions of the applicable laws and regulations.

More fundamentally, in Article 5 section (g) of Law Number 12 of 2011 concerning Formation of Regulations, it is stated that one of the principles of Formation in Good Regulations is "the principle of openness", which further states that: "in the process of forming legislation starting from planning, preparation, compilation, and discussion is transparent and open. Thus all levels of society have the broadest opportunity to provide input in the process of making laws and regulations [9]. "

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Seeing this reality, KTR regulations in Blitar City cannot be said openness standards as mandated by the law above. It can be proven that so far it has been impressed by the tugging in its implementation - especially since it is still targeted to be effective after Perwali was ratified around the October to November 2020 period. Using the theory, as claimed by Donald S. Van Meter and Carl E. Van Horn, states that there are five variables that can affect the performance of policy implementation, including: 1) policy standards and objectives, 2) resources, 3) communication between organizations and strengthening activities, 4) characteristics of implementing agencies, and 5) socio-political and political conditions [10] . Thus, the empirical condition of the implementation of Local Government Regulation on KTR only fulfills several indicators, namely standard indicators and well-designed policy targets, but it has not been accompanied by massive inter-organizational communication. As a result, the implementation of the KTR Regulation policy still has "homework" left which is not easy .

5. CONCLUSSION

Finally, this article is limited to interpreting the empirical conditions of the implementation of the Local Government Regulation on KTR which has not been relatively successful. However, world attention on the dangers of smoking makes this nation also care for the community by finding a meeting point of harmonization between the rights of smokers and non-smokers through the Local Government Regulation on KTR. Therefore, we should play an active role in making the national agenda through this KTR closer to its success in realizing health, order and national progress.

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