

# Legal responsibility of drivers who smoke to the environment (case study of Local Regulation No. 02 of 2019 Surabaya)

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## ABSTRACT

This study discusses the importance of law enforcement against environmental pollution caused by the disposal of cigarette butts and cigarette smoke, particularly by vehicle drivers in Indonesia. Although there are regulations addressing this issue, such as Law No. 32 of 2009 on Environmental Protection and Management and the Surabaya Regional Regulation No. 02 of 2019, the implementation and enforcement of these laws are still considered ineffective. This study aims to explore how the law can be applied to drivers who irresponsibly discard cigarette butts and its impact on the environment. Using a legal approach that examines traffic regulations, the study also explores the obligation of drivers to focus while driving and how this affects safety and environmental cleanliness. The study also discusses the types of sanctions that can be imposed, such as criminal and administrative penalties, as well as the importance of cooperation between the government and the community in supporting law enforcement. The findings of this research are expected to provide a deeper understanding of how to improve law enforcement and raise public awareness about the shared responsibility of maintaining cleanliness and environmental sustainability.

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## 1. INTRODUCTION

The environment is a place where living things grow and develop. The environment is one of the most important aspects of human life, which can support various activities and the sustainability of the ecosystem. Therefore, the environment really needs to be considered properly and preserved. This is to prevent damage to the environment that can have an impact on future generations. (Ministry of Health, 2017)

One of the harmful impacts of environmental pollution is caused by cigarette smoke and butts. Cigarettes are one of the tobacco products that are used to be burned or smoked. Tobacco itself is an agricultural product of a type of dwarf plant or Latin *nicotiana tabacum*. For some people, smoking is something that cannot be separated from their daily lives. Many people consciously smoke in front of people who do not smoke. In this case, there are two contrasting circumstances of active smokers and passive smokers. People who do not smoke have the right to breathe clean air, while smokers

also have the right to smoke. The problem is, of the two conflicting rights, whose rights should be prioritised to be fulfilled (Arvin, 2021).

Cigarette smoke contains chemicals that are harmful and toxic in nature. When someone is smoking, the smoke produced is not only inhaled by the smoker but also affects the surrounding air. This air pollution can cause respiratory problems, cancer, and even heart disease. Many addictive substances are found in cigarettes, such as carbon monoxide, nicotine, hydrogen cyanide, benzene, TAR, formaldehyde, methanol. All of these substances are very dangerous for humans, namely the substances contained can cause dependence for those who consume them. However, public awareness to avoid the dangers of smoking is still very minimal. There are still many smokers who smoke not in accordance with the place, one of which is on the big road. There are so many motorbike or car drivers who often violate the rules, they smoke without thinking about the losses obtained by other motorists. Sometimes smoke or cigarette butts discarded by smokers, can hit either in breathing or eyes accidentally. (Khambali, 2018)

Indonesia is a State of law, in the Health Law No. 36 of 2009 Article 6 which reads, "everyone has the right to a healthy environment for the achievement of health status." It is also continued in Article 10, "that everyone is obliged to respect the rights of others in an effort to obtain a healthy environment, both physical, biological and social." Any citizen who does not comply with the law can result in negative impacts, especially related to an increase in criminal offences that can harm the surrounding community.

The offences committed by each driver and rider are different, one of which we often see is smoking while driving. This can cause a loss of concentration of the driver himself and other drivers. Safety in this case directs the behaviour of a person in driving to avoid unexpected things happening. Driving on the road requires full concentration, a little carelessness can lead to fatalities. It is not only material losses that are received, but the safety and health of the body that must be maintained (Aziz, 2024).

Drivers who smoke on the road will inevitably throw ash or cigarette butts on the road, where the ash can fly carried by the wind and can hit the eyes of other motorists. If it happens like this, it can be fatal, the eyes become red and even infection can occur. The prohibition of smoking while driving has also been outlined in Article 6 part C of the Minister of Transportation Regulation No. 12 Year 2009, which reads, "Drivers are prohibited from smoking and doing other activities that disturb concentration while riding a motorbike."

The idea behind the enactment of Regulation of the Minister of Transportation No. 12 of 2009 on Safety Protection for the Use of Motorcycles Used for Public Purposes is because smoking while driving can disturb their concentration, therefore it is included in the activity of disturbing concentration and potentially dangerous, it is included in technical safety, ethically, in priority is also not good. Smoking while driving is an offence, because it is clear and there are rules that mean it is included in criminal traffic offences. Prior to the issuance of Minister of Transportation Regulation Number 12 of 2019 concerning the Protection of Safety of Motorcycle Users Used for the Benefit of the Public, the government had accommodated efforts to provide legal protection for people who drive 2 or more wheeled vehicles, namely through Law Number 22 of 2009 concerning Road Traffic and Transport. (Khambali, 2018)

The development of big cities in Indonesia, including Surabaya, brings significant challenges related to environmental policy, especially in terms of air pollution. One of the factors contributing to air pollution is smoking in public places, which not only affects the health of active smokers but also passive smokers and the surrounding environment. As public awareness of health and environmental sustainability increases, local governments have begun to take more serious steps to regulate smoking behaviour in public places. (Bakti, 2020)

In Surabaya, the regulation on the prohibition of smoking in public spaces regulated in the Surabaya City Regional Regulation (Perda) No. 02 of 2019 Article 3 on Non-Smoking Areas which explains, "that places included in the No Smoking Area, such as health service facilities, places of teaching and learning process, places where children play, places of worship, public transport, workplaces, as well as public places and places that have been determined." The local regulation aims to create a healthy environment by reducing the negative impact of cigarette smoke on the wider community. The regulation also stipulates sanctions for violators, including vehicle drivers who smoke in places designated as smoke-free areas. (Aziz, 2024)

However, the implementation of this policy still encounters various obstacles, such as low public legal awareness and lack of supervision. The act of smoking by vehicle drivers not only has the potential to violate regulations regarding smoke-free areas, but can also worsen the city's air quality, which is already facing pollution problems from motorised vehicles. The legal liability of drivers who smoke in public places has become an important issue in the study of law and public policy. Drivers who smoke while driving, in addition to violating environmental regulations, can also be considered negligent in maintaining concentration while driving, which has the potential to cause traffic accidents. Therefore, it is necessary to further study the effectiveness of the implementation of Local Regulation No. 02/2019 in Surabaya, as well as how drivers who violate this regulation can be held legally responsible. (Hadjon, 2011)

In fact, it has never been seen that the smoking ban has been followed up firmly by the Surabaya Traffic Unit. In making this research proposal, the author hopes to provide input for policy makers to improve the effectiveness of existing regulations in order to create a healthier and safer environment in Surabaya City. Therefore, the author is interested in researching this study with the title, "Legal Liability of Drivers Who Smoke Against the Environment (Case Study of Local Regulation No. 02 of 2019 Surabaya City)."

## 2. METHOD

### 2.1 Research Methods

The word "method" comes from the Greek "methodos," which means a way or path to achieve a certain goal, while "logos" means science or knowledge. Combined, "methodology" can be defined as the study of systematic ways or steps in understanding, analysing, or solving a problem in a particular field. Methodology is a fundamental aspect of research because it provides clear and structured guidelines for carrying out the assessment process of the research object. (Sugiyono, 2017). In this context, research methodology is a branch of science that explains and organises the steps and concepts that must be followed in the research process. This methodology includes planning, collecting relevant legal materials or data, analysing the data, to the final stage of drawing conclusions and recommendations. The research method acts as a scientific framework that ensures that research is conducted in a consistent, systematic, and directed manner, so that the end result is relevant, valid, and can be accounted for both academically and practically. The research method contains an explanation of the research plans and concepts that will be carried out to answer the research problem being studied. (Neuman, 2014)

### 2.2 Research Approach

This research uses a normative juridical approach, which focuses on analysing library materials such as legal literature, official documents, and laws and regulations related to the issues discussed. This approach views law as a norm that functions to regulate human behaviour in society, both through written guidelines and underlying values. Thus, law is understood not only as a rule that must be obeyed, but also as a tool to create order in social life. This method is very suitable for this research because it aims to examine the legal rules governing the concentration of motor vehicle drivers on the road, especially as stipulated in Article 106 Paragraph 1 of Law No. 22 Year 2009 on Road Traffic and Transport. The article states that *"Every person who drives a motor vehicle on the road shall drive the vehicle reasonably and with full concentration."* This rule is designed to ensure that drivers of motorised vehicles, whether motorbikes or cars, always concentrate while driving. With this rule, it is hoped that drivers can avoid potential accidents caused by distraction or negligence.

This research highlights the importance of enforcing such rules as an effort to instil awareness of the need for full concentration while driving. Activities that can interfere with concentration, such as smoking or using mobile phones while driving, should be avoided to ensure the safety of drivers and other road users. The main objective of this regulation is to create safer road conditions, so that every road user can feel comfortable.

Furthermore, this research also seeks to identify the extent to which the legal norms contained in Law No. 22/2009 are applied in daily practice, as well as how public awareness of the importance of obeying these regulations. Using a normative juridical approach, this research not only outlines the content of existing regulations, but also evaluates the effectiveness and implementation of these rules in real life. Through this analysis, the research is expected to provide useful input, both in

strengthening existing legal policies and in proposing more effective measures to improve public compliance with traffic rules.

### **2.3 Source of Legal Materials**

The legal materials used in writing this thesis consist of two types, namely primary legal materials and secondary legal materials. Both types of legal materials have a very important role in supporting the research process and helping the author to understand more clearly and deeply the legal issues being studied. The following is a more detailed explanation of the two types of legal materials:

#### **2.3.1 Primary Legal Materials**

Primary legal materials are legal sources that are directly related to legal and binding rules or regulations. This source of law comes from regulations established by authorised official institutions or bodies, which contain rules that must be followed by the community. In this research, the primary legal materials used by the author consist of regulations that are highly relevant to the research topic, including the following:

- a. Road Traffic and Transport Law No. 22 Year 2009  
This law is very important because it regulates everything related to road traffic, the obligations of drivers, and rules related to driving safety. It provides a legal basis for research into driver and traffic regulations.
- b. Surabaya City Regional Regulation No. 02 Year 2019  
This regulation regulates smoke-free areas in Surabaya City, where certain places have been determined to be prohibited from smoking, in order to protect the public from the dangers of cigarette smoke. This is relevant to the research that discusses regulations regarding smoke-free public places.
- c. Health Law No. 36 Year 2009 Article 115 Paragraph (1)  
This law guarantees the right of every citizen to a healthy environment. This law is very important in research that discusses how cigarette smoke can harm public health, both for active and passive smokers.
- d. Environmental Law No. 32 Year 2009  
This law aims to protect the environment from various kinds of pollution, including air pollution caused by cigarette smoke. This law provides an important legal foundation in this research which discusses the protection of the environment.
- e. Minister of Transport Regulation No. 12 Year 2019  
This regulation governs driver safety, especially for motorcyclists. One of the rules prohibits drivers from smoking while driving, as it can disrupt concentration and jeopardise safety. This regulation is very relevant in research related to traffic safety.

#### **2.3.2 Secondary Legal Materials**

Secondary legal materials are information obtained to support the understanding of primary legal materials, but do not come directly from legal documents. Sources of secondary legal materials are usually literature or other writings related to the research topic. This secondary legal material can be in the form of books, journals, articles, theses, or other documents that discuss topics relevant to the problem being studied. In addition, secondary legal materials can also be data or information that has been previously collected by the author or other sources used as additional references in this research. The utilisation of this secondary legal material allows the author to see the problem from a broader perspective, so that this research can be more in-depth and comprehensive.

Thus, these two types of legal materials - primary legal materials derived directly from legal regulations and secondary legal materials derived from literature and other relevant sources - complement each other. Primary legal materials provide a clear and definite legal basis, while secondary legal materials provide additional information that enriches the author's analysis of regulations relevant to the legal issues being researched. The combination of the two will result in a more complete and scientifically accountable research.

### **2.4 Methods of collecting and processing legal materials**

In this research, the author chose to use the documentation technique as the main method for collecting legal materials. Documentation technique is a method used to collect legal materials through existing documents, such as archives, photographs, laws, court decisions, and other relevant documents. The advantage of this technique is that the legal materials collected are real, officially recorded, and have been verified beforehand, so it can be ensured that the information obtained is

legitimate and valid. These documents are very important because they can provide strong evidence and information that is very helpful in research.

By using documentation techniques, the author can access legal materials that have been officially recorded and recognised, which makes them more reliable. In addition, the legal materials collected from these documents allow the author to analyse and understand more clearly the issues under study. After the legal material is analysed, the author can draw conclusions that are accurate and can be scientifically accounted for. In other words, the documentation technique not only helps in collecting legal materials, but also helps the author to gain a deep understanding of the topic under study, which ultimately results in valid and reliable research results.

### **2.5 Type of Research**

The type of research used in this research is descriptive research. In this case, descriptive research aims to provide a detailed description or explanation of the phenomenon based on the facts found during the research. Through this research, researchers endeavour to describe the situation and conditions being studied using relevant and accurate legal materials. Descriptive research is conducted in depth, where each legal material that has been collected is analysed systematically to answer the research questions that have been formulated previously.

Thus, this research not only serves to explain a phenomenon, but also provides a broader understanding and knowledge of the problem being studied. This research is not only descriptive, but also perspectival. Which means, this research also provides several recommendations based on the results of research on accurate laws and legal norms. Therefore, the purpose of this research is to find solutions or steps that can be taken to solve the legal problems being studied. This approach allows researchers not only to identify and understand legal issues, but also to provide suggestions that can be used to improve the legal system or existing policies.

### **2.6 Analysis of Legal Materials**

The analysis of legal materials is a very in-depth and careful process in solving the problem or focus of study by dividing it into smaller and more detailed elements or parts. In this way, the structure and pattern of the object being analysed become clearer and easier to understand. Basically, this step aims to parse each part of the existing legal issues, so that objects that initially appear complex, vague, or confusing can be understood more easily and systematically. This analysis process not only helps researchers to understand in more detail the components contained in a problem, but also ensures that each part can be analysed in a more detailed and meaningful way. Therefore, the analysis of legal materials is very important in legal research to provide a deeper and more detailed understanding of the object being studied.

As part of this research, the method used for analysing legal materials is normative analysis. Normative analysis is an approach that focuses on evaluating legal materials based on legal rules, norms, and standards that have existed and are recognised in the applicable legal system. In this case, researchers will review and assess the collected legal materials by referring to various relevant legal sources, such as laws and regulations, applicable government policies, related official documents, and social norms that have been accepted and recognised by the wider community. This approach not only serves to understand the existing legal rules, but also to explore how these rules should be applied in the existing situation, as well as how the applicable norms can play a role in solving the legal problems being analysed.

By using normative analysis, the legal material obtained can be processed by referring to the appropriate and relevant normative framework, which in turn allows researchers to gain clearer and deeper insights into the legal issues being analysed. In addition, with this approach, researchers can test whether the existing rules are appropriate, fair, and in accordance with the prevailing values in society. This process also allows researchers to assess how effective the rules are in creating solutions to existing legal problems, as well as how they can play a role in creating justice and legal balance. Thus, normative analysis not only provides a deeper understanding of legal material, but also offers a strong basis for providing recommendations regarding policies or changes that may be needed in the legal field. (Dipo Wahjoeono Hariyono, 2015) .

The results of the process of analysing this legal material, which is carried out using a normative approach, will produce conclusions that are very useful in answering research questions. The conclusions obtained will be based on a mature understanding of the existing regulations, as well as their relevance to the legal issues being studied. Therefore, the conclusions resulting from this analysis will be very useful for contributing new thoughts in the field of law, and can be scientifically

accounted for. In this research, the conclusions obtained will be compiled in a systematic, clear, and accountable form in accordance with the methodology used, and the results will be published in the form of a thesis that is ready to be used as a reference for further research.

Along with that, chapter 4 in this study will contain the results obtained from the analysis of legal materials that have been carried out. These results will be reviewed and explained in depth, by adjusting to the focus of the research problem raised. The analysis in chapter 4 will lead to a broader understanding of the application of the relevant law, as well as provide answers to existing legal questions, while presenting recommendations resulting from this research. Chapter 4 is thus a very important continuation of this research, which will delve deeper into the legal findings that have been obtained, and provide new insights into the legal liability that should be applied in the context of the applicable regulations.

### 3. RESULTS AND DISCUSSION

#### 3.1 Legal liability of drivers who dispose of smoke or cigarette butts and cause environmental pollution

This liability is a topic that highlights the importance of the responsibility of every individual, especially drivers, in keeping the environment clean and sustainable. The careless disposal of cigarette butts or cigarette smoke is not only an irresponsible behaviour, but also an action that can have a negative impact on the surrounding environment, health, and even safety. Cigarette butts themselves are made of materials that contain harmful chemicals that can endanger health and also pollute the soil. When discarded carelessly in public places, such as roads, parks, cigarette butts not only disrupt cleanliness but can also pose a fire risk, especially in areas with lots of flammable materials.

Meanwhile, the cigarette smoke that we breathe in every day can cause various health problems, such as respiratory problems, eye irritation, and even other serious and dangerous diseases. Legal accountability in this context is a form of liability imposed on offenders for their actions that pollute the environment. The law provides a firm foundation to ensure that such actions are not without consequences.

Further discussion will explain the relevant legal basis, such as the Law on Environmental Protection and Management and the forms of liability regulated therein. This will show how Indonesian law plays a role in preserving the environment and providing justice for the people affected by such actions.

##### 3.1.1 Legal Basis in Indonesia

In Indonesia, protection of the environment is one of the important priorities in the effort to create a healthy and sustainable life. One of the actions that can damage environmental and air quality is the indiscriminate disposal of cigarette smoke or butts. Cigarette butts that are discarded in inappropriate places, such as streets, parks, or other public places, can cause air pollution, fires, and other environmental damage. To address this problem, the State has enacted several laws and regulations that provide a legal basis for taking action against such offences.

One of the legal bases governing environmental protection and management is *Law No. 32 of 2009 on Environmental Protection and Management*. This law regulates everyone's right to a good and healthy environment. Article 69 states that everyone is obliged to preserve the function of the environment, including not throwing garbage or other materials that can pollute the air, water and soil. Therefore, the act of throwing cigarette butts carelessly is very worrying because the consequences can be fatal.

In addition to Law No. 32 Year 2009, *Local Regulation No. 02 Year 2019 of Surabaya City* also has more specific rules regarding air pollution control and environmental cleanliness, including the act of littering cigarette butts. This local regulation is designed to maintain environmental cleanliness and air quality in Surabaya City. In the regulation, the act of littering cigarette butts can be subject to sanctions, both in the form of administrative sanctions, criminal sanctions, compensation obligations, as well as guidance and education if the act causes significant damage to the environment. (Ani Nur Faida, 2023)

Not only that, *Government Regulation No. 81/2012 on Air Quality Management* also provides broader guidelines on air pollution control. This regulation stipulates that everyone is obliged to maintain air quality so that it is not polluted by harmful substances. Air pollution caused by the disposal of cigarette smoke or butts can endanger public health, given that polluted air can cause

respiratory diseases and other health problems. Therefore, this government regulation provides the basis for law enforcement related to air pollution control in Indonesia.

Overall, the existing legal basis in Indonesia, both in the National Law and Regional Regulations, aims to ensure that everyone has the responsibility to maintain environmental cleanliness and not take actions that can damage air, water and soil quality. Strict law enforcement is expected to provide a deterrent effect for violators, as well as encourage people to be more concerned about environmental cleanliness and sustainability. Thus, through clear and firm laws and high awareness, Indonesia can create a cleaner, healthier and more sustainable environment.

### **3.1.2 Forms of Legal Liability**

Liability is an obligation of a person or party to take responsibility for action or deed, whether it has a positive or negative impact. In a legal context, liability refers to an entity to face the legal consequences of its actions. The form of responsibility for drivers who dispose of smoke or cigarette butts carelessly and cause environmental pollution is clearly regulated in Local Regulation No. 02/2019 of Surabaya City. This legal responsibility is divided into several forms which include criminal sanctions, administrative sanctions, compensation obligations, and guidance and education for violators. These penalties are designed to enforce the rules and provide a deterrent effect for violators.

#### **3.1.2.1 Criminal Sanctions**

Drivers who litter cigarette butts or smoke and cause greater environmental damage, such as fires or severe air pollution may be subject to criminal sanctions. These criminal penalties are more severe and are applied to cases that cause serious negative impacts on society or the environment. Criminal sanctions themselves can take the form of imprisonment or higher fines, depending on the severity of the offence and the consequences. (Bakti & Indriani, 2020)

For example, if the disposal of cigarette butts or smoke causes a fire that damages property or harms the public, the driver concerned may be sentenced to imprisonment for a certain duration or a larger fine. The amount of the fine in criminal cases can be between Rp5,000,000 and Rp100,000,000, depending on the harm caused. Prison sentences can also vary from a few months to several years, depending on the extent of the damage caused. These criminal sanctions aim to emphasise that environmental pollution is not a frivolous act, but can also be a criminal offence that seriously endangers society.

#### **3.1.2.2 Administrative Sanctions**

In addition to Criminal sanctions, one of the most common forms of punishment is administrative sanctions, which are mainly imposed in the case of minor offences. Drivers who litter cigarette butts or smoke can be subject to administrative fines. The amount of this fine varies depending on the level of offence and the impact caused, and is regulated in detail in local regulations. In the context of environmental pollution, this administrative sanction can be given to individuals or perpetrators who are considered to have committed acts that are not in accordance with applicable laws. Administrative fines aim to provide a deterrent effect and motivate drivers to be more careful in disposing of cigarette butts or smoke that causes environmental damage. Not only that, a written warning can also be given as the first form of administrative sanction, which aims to give drivers the opportunity to improve their behaviour without being immediately fined. (Maharani, 2019)

The amount of fine that can be imposed usually refers to the category of offence. For example, for minor offences, such as discarding cigarette butts in public places, administrative fines can range from IDR 50,000 to IDR 500,000. These sanctions will increase according to the level of environmental damage caused by the act, such as if the cigarette butts cause a fire or more serious pollution.

#### **3.1.2.3 Indemnity Obligation**

In addition to criminal and administrative sanctions, drivers who cause pollution by littering cigarette butts or smoke can also be liable for compensation. If the act results in damage that requires clean-up or restoration costs, the offending driver may be required to reimburse these costs. This indemnity aims to ensure that offenders are responsible for the damage they caused in the first place, as well as to provide an incentive to be more careful in maintaining cleanliness and the environment. (Sari & Wahyuni, 2021)

This compensation may include costs such as environmental restoration costs, clean-up costs, or costs arising from health impacts caused by pollution. For example, if a driver smokes while driving and the ash flies up and hits another driver, it can impair concentration and even worse cause an

accident. Or another example, if a discarded cigarette butt causes a fire that damages public facilities or causes air pollution that impacts public health, the offender may be required to pay clean-up and restoration costs, which can be quite high, depending on the size of the polluted area and the impact caused.

#### **3.1.2.4 Coaching and Education**

Finally, as part of the punishment and legal responsibility process, drivers who violate this regulation may also be subject to a coaching and education programme. This education programme is expected to not only improve the behaviour of violators, but also encourage them to become a positive person who cares about environmental cleanliness. Not only that, it also aims to raise the awareness of violators about the importance of keeping the environment clean and the adverse impacts of behaviours that damage air quality and public health." (Hasan, 2022)

This guidance and education is usually provided by authorities such as the Environmental Agency or the Police, aiming to provide an understanding of the consequences of their actions as well as ways to avoid further pollution. These education programmes may include training, seminars or social campaigns to encourage drivers and the public at large to be more concerned about environmental cleanliness and health. In addition, drivers can also be reminded not to repeat similar offences in the future, with an emphasis on the importance of their participation in maintaining air quality and city cleanliness.

### **3.2 Law enforcement's efforts to tackle the offence of drivers smoking, resulting in environmental pollution**

Law enforcement efforts refer to a series of steps that will be taken by the government or authorities to enforce regulations aimed at protecting the environment from harmful actions. Environmental pollution occurs when a person or a certain party carries out activities that produce negative impacts on the surrounding environment so that it can disrupt the balance of the ecosystem. Law enforcement in this case aims to ensure that the violation is not only stopped, but also that the perpetrator of the violation is sanctioned in accordance with the applicable rules.

Law enforcement does not only rely on the imposition of penalties, but also includes various proactive and preventive measures. This includes monitoring activities that have the potential to pollute the environment, educating the public to be more aware of the importance of preserving nature, and providing administrative sanctions, criminal sanctions, compensation obligations, or guidance and education to offenders. In addition, this effort also involves cooperation between the government, the community, and the private sector in protecting the environment. Effective law enforcement requires a strong legal basis, good coordination between law enforcement agencies, and active participation from the public to report and prevent violations. With strict and sustainable law enforcement efforts, the prevention of environmental pollution can be minimised, so that environmental quality can be maintained and provide long-term benefits for human life and ecosystem sustainability.

#### **3.2.1 Preventive Law Enforcement**

Preventive law enforcement is an effort made to prevent offences before actions that harm the environment occur. In the context of drivers who smoke on the road and cause environmental pollution, this effort aims to provide an understanding to the public, especially motorbike and car drivers, about the importance of keeping the environment clean and the adverse effects of their actions. One of the preventive measures is through an educational approach that involves the community can significantly increase compliance with environmental regulations because it provides a better understanding of the adverse effects of pollution, such as extension programmes on the effects of air pollution, the dangers of littering cigarette butts, and the legal consequences that can be said for such actions. (Putra, 2020)

In addition, the installation of signs and warning boards in strategic places, such as roads, parking areas, and other public places is also part of the preventive efforts. These signs remind drivers not to commit the offence of smoking while driving and to dispose of cigarette butts carelessly. With comprehensive preventive measures, it is hoped that the community will have a higher awareness to protect the environment before violations occur.

#### **3.2.2 Repressive Law Enforcement (Enforcement)**

Repressive law enforcement is carried out as a reaction to offences that have been committed. This measure aims to enforce the rules and provide a deterrent effect to offending drivers so that they do not repeat their mistakes in the future. In the case of drivers who smoke and cause environmental

pollution, repressive measures involve administrative and criminal sanctions according to the level of the offence. For example, if a carelessly discarded cigarette butt causes a fire or serious pollution, the driver may be subject to criminal penalties in accordance with Article 98 paragraph (2) of Law No. 32 of 2009 which regulates severe sanctions for perpetrators of environmental pollution that damages the ecosystem or endangers the community. (Sofyan, 2018)

In addition, law enforcement officials, such as Satpol PP, Police, or the Environmental Agency can also conduct road raids to ensure drivers comply with rules, such as the prohibition of throwing cigarette butts or smoking while driving. These repressive measures send a clear message that environmental pollution is a serious offence that cannot be avoided. (Suryani, 2019)

### **3.2.3 Collaboration and Community Engagement**

Collaboration and community involvement is one of the important approaches in law enforcement related to environmental pollution. The government cannot work alone in protecting the environment, so active community participation is needed. The community can play an active role in various ways, such as reporting violations they witness, participating in not smoking while driving. For example, the public can report drivers who are smoking while driving a vehicle through the environmental complaint application provided by the local government.

In addition, Civil Society Organisations (CSOs) and Non-Governmental Organisations (NGOs) can also help raise public awareness about the importance of keeping the environment clean. In this case, they can organise various events such as seminars, campaigns, training involving local communities to educate them about the impact of pollution and the importance of complying with regulations. Cooperation between the government, the community, and the private sector can also be realised through CSR (Corporate Social Responsibility) programmes such as the provision of waste bins, the construction of waste treatment facilities, or the organisation of environmental education programmes. (Hartono, 2021).

With collaboration involving all parties, the responsibility to protect the environment becomes a shared task. Community involvement not only helps raise awareness but also encourages the sustainability of law enforcement programmes. A society that is aware and concerned about the environment will more easily comply with the rules and assist the government in monitoring violations that occur. This creates a mutually supportive ecosystem between law enforcement and environmentally friendly community behaviour.

## **4. CONCLUSION**

Specifically, the behaviour or act of littering cigarette butts can be classified as an act of environmental pollution that violates air quality standards and damages soil ecosystems, considering that cigarettes contain harmful ingredients or substances such as tar, nicotine, and carbon monoxide which are difficult to decompose naturally. In addition, cigarette butts are also one of the main causes of forest fires, which can have a major impact not only on the environment but also on public health and the national economy. Law enforcement against this offending behaviour requires preventive and repressive measures. Preventive measures include public education, provision of supporting infrastructure, and socialisation on the importance of maintaining traffic order and environmental cleanliness. Meanwhile, repressive measures involve imposing legal sanctions on the perpetrators of such offences, such as administrative fines, ticketing, or criminal and preliminary legal proceedings that cause serious harm.

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