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Consumer Protection Related To The Increasing Prevalence Of E-Cigarettes In Makassar City, Legal Perspectives And Awareness User

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E-cigarettes have become a growing global phenomenon, Abstrak: including in Indonesia. Makassar is one of the cities with the highest number of e-cigarette outlets, reaching more than 150, according to data from the Indonesian Youth Council for Tobacco Control (IYCTC). However, the increasing prevalence of e-cigarettes poses new challenges related to consumer protection, especially in terms of product information and its safety. This research aims to analyze consumer rights violations, evaluate the level of public knowledge, and recommend consumer protection strategies. Using a qualitative descriptive approach, data is collected through interviews, surveys, and document analysis. The results of the study show that there are violations of consumer rights in the form of misleading product information, low public awareness about health risks, and lack of adequate regulations. Recommendations include strengthening regulations, public education, and stricter supervision of product promotion and distribution. Keywords : Consumer Protection; E-Cigarettes Awareness; Legal Perspectives in Makassar

INTRODUCTION

E-cigarettes, which were first introduced as an alternative to conventional smokers to reduce exposure to harmful substances, are now experiencing a significant increase in use. Although claimed to be safer than conventional cigarettes, the reality is that e-cigarettes have spread to teenagers and young adults who previously did not smoke¹. This creates a new phenomenon that needs serious attention, especially related to consumer protection. The increase in the prevalence of e-cigarettes is a cause for concern because many of these new consumers do not have a sufficient understanding of the risks and impacts of using these products. In this context, consumer protection is a very important issue, considering the potential health risks that may be posed by e-cigarettes, which have not been fully regulated by clear regulations so far.

The limited regulation related to e-cigarette products in Indonesia is one of the main reasons why consumer rights violations often occur. The marketing of e-cigarettes that claim this product is safer than conventional cigarettes has not been supported by sufficient scientific evidence. Many advertisements describe e-cigarettes as harm-free products, without warning consumers about the potential health risks of nicotine and other chemicals

¹ Polosa, R., Casale, T. B., & Tashkin, D. P. (2022). A close look at vaping in adolescents and young adults in the United States. The Journal of Allergy and Clinical Immunology: In Practice, 10(11), 2831-2842.

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contained in vape liquids.² In addition, the regulations governing e-cigarettes in Indonesia are still in the development stage. Until now, supervision of this product is still weak, especially related to the material of vape liquid and the device used. This condition exacerbates the situation, because without clear supervision, consumers are often caught up in misleading claims and do not get accurate information about the products they consume.

In this regard, Law No. 8 of 1999 on Consumer Protection provides a strong legal basis to protect the rights of consumers in Indonesia, including the right to obtain true, clear, and truthful information about the products they purchase. This law also emphasizes the importance of consumer convenience, security, and safety in using products. However, in the field, these rights are often overlooked, especially in the circulation of e-cigarettes which do not have adequate regulations. Without strict supervision and sufficient education, many consumers are unaware of the risks that exist in using e-cigarettes, which can have a negative impact on their health.³ Therefore, it is important to understand how consumer protection related to e-cigarettes must be strengthened, especially in Makassar City, where the prevalence of e-cigarette use continues to increase.

The main issues raised in this study are related to the violation of consumer rights in the circulation of ecigarettes, which include aspects of inaccurate information, misleading health claims, and lack of supervision of the product. One of the big questions that needs to be answered is, how can consumer rights violations occur in the circulation of e-cigarettes in Makassar City, given the increasing prevalence? In addition, it is also important to measure the extent of consumer understanding of the risks and benefits of using e-cigarettes. Do consumers in Makassar City understand enough about the negative impact of using this product, or are they only affected by advertisements that do not provide complete information? These questions will be answered through research that aims to identify consumer rights violations as well as analyze the level of consumer awareness regarding the risks of using e-cigarettes.

The main purpose of this study is to explore and analyze consumer rights violations in the circulation of ecigarettes in Makassar City. The study also aims to measure the extent to which consumers understand the risks and benefits of e-cigarettes, as well as to provide strategic recommendations to strengthen consumer protection through stricter regulation and more intensive education. Another important goal is to provide guidance for relevant parties, such as governments, supervisory agencies, and business actors, in formulating more effective policies in protecting consumer rights. Thus, this research is expected to make a significant contribution to the development of public policies and improve consumer protection related to e-cigarette products.

This research will also discuss theoretical foundations relevant to consumer protection in the context of ecigarettes. One of them is the concept of consumer rights regulated in Law No. 8 of 1999, which includes the right to obtain correct information, the right to comfort, security, and safety, as well as the right to obtain compensation for losses incurred due to the use of products that do not meet standards. In addition, this study

² Collins, L., Glasser, A. M., Abudayyeh, H., Pearson, J. L., & Villanti, A. C. (2019). E-cigarette marketing and communication: how e-cigarette companies market e-cigarettes and the public engages with e-cigarette information. Nicotine and Tobacco Research, 21(1), 14-24.

³ Siregar, N. R., Rismawany, P., Azzahra, S., & Sari, Y. (2024). Study of harmful chemicals in e-cigarettes and their impact on health. Integrated Multidisciplinary Scientific Journal, 8(6).



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will also review existing regulations regarding e-cigarette products, such as PP No. 109 of 2012 and Permenkes No. 28 of 2013, which although regulating tobacco products, does not specifically cover regulations related to e-cigarettes. Therefore, it is important to further examine how existing regulations can be strengthened to be more thorough in regulating the circulation of e-cigarettes in Indonesia.

One aspect that will be discussed in this study is the health risks associated with the use of e-cigarettes, which are often seen as a safer alternative to conventional cigarettes. However, a report from the World Health Organization (WHO) in 2021 stated that vape liquids contain nicotine and harmful chemical compounds such as formaldehyde that can harm health. Although e-cigarettes do not produce tar like conventional cigarettes, their use is still risky for health, especially for adolescents who are the group most exposed to this product. Research also suggests that e-cigarette use can be an entry point for teens to try other tobacco products, which in turn can increase the risk of addiction and long-term health problems. Therefore, it is important for consumers, especially those who are new to e-cigarettes, to have a clear understanding of the risks associated with using these products. This study aims to provide a clearer picture of consumer rights violations in the circulation of e-cigarettes, as well as measure the level of consumer awareness regarding the risks posed. The results of this study are expected to be the basis for making better policies in regulating the circulation of e-cigarettes in Indonesia, as well as making a positive contribution to consumer protection efforts at the local and national levels

METHOD

This study uses a qualitative descriptive method with a normative and empirical juridical approach. The normative juridical approach analyzes regulations related to consumer protection, especially those regulating e-cigarettes, based on the applicable laws in Indonesia, such as the Consumer Protection Law. The empirical approach aims to understand the practice in the field by looking at the behavior of consumers, business actors, and regulators in Makassar City in relation to e-cigarettes. The combination of these two approaches provides a more comprehensive picture of the phenomenon and consumer protection related to e-cigarettes.

Data collection is carried out through two types of sources. Primary data was obtained through in-depth interviews with consumers, business actors, and regulators involved in the circulation of e-cigarettes in Makassar City. This interview aims to explore their knowledge, understanding, and experience regarding the risks and benefits of the product. Meanwhile, secondary data was obtained from the analysis of existing regulations, reports from the Indonesian Youth Council for Tobacco Control (IYCTC), as well as relevant literature on e-cigarettes and consumer protection.

The collected data will be analyzed with deductive and inductive approaches. The deductive approach is used to evaluate whether there is a violation of consumer rights based on existing regulations, while the inductive approach is used to draw conclusions from empirical findings obtained from interviews. The combination of this analysis is expected to produce findings that can strengthen consumer protection related to e-cigarettes in Makassar City.



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RESULTS AND DISCUSSION

1. Consumer Rights Violations

One of the consumer rights violations found in the circulation of e-cigarettes in Makassar City is misleading product information. Many vape liquids are marketed without clear information about the content of harmful chemicals in them. Some vape liquids contain nicotine, formaldehyde, and other harmful compounds, but information about these contents is not clearly listed on the packaging. This violates the right of consumers to obtain true, clear, and honest information in accordance with the provisions of Law No. 8 of 1999 concerning Consumer Protection. Without adequate information, consumers cannot make informed decisions regarding the health risks they face. For example, many consumers are unaware that even though e-cigarettes do not contain tar, there are still potential dangers posed by other chemicals.⁴ This shows that the marketing of e-cigarette products in Makassar City still does not comply with the transparency standards that should be applied by manufacturers.

Consumer rights violations are also seen in irresponsible advertising practices, especially those targeting teenagers. Many e-cigarette advertisements describe these products as a "healthy" or safer alternative to conventional cigarettes, without clear scientific evidence to support these claims. These claims often take advantage of modern imagery and a harm-free lifestyle that appeals to adolescents and young adults who previously did not smoke. In this case, the advertisements not only violate the principle of honesty, but also risk introducing new dangers for groups prone to nicotine addiction. Teens tend to lack a mature understanding of long-term health risks, so these misleading ads can potentially encourage them to try and continue using e-cigarettes. In this context, the marketing of e-cigarettes not only violates the consumer's right to be properly informed, but also exploits the lack of understanding of young consumers about the health impacts that may arise.⁵

The influence of this irresponsible advertising is further exacerbated by the lack of supervision of e-cigarette marketing practices in Makassar City. As the number of outlets selling these products increases, it also becomes more difficult to supervise the promotion and distribution of products. This allows e-cigarette manufacturers to continue to market their products in a manner that is not in accordance with existing legal and regulatory provisions.⁶ The government and supervisory agencies, such as BPOM, are expected to be more decisive in supervising and regulating the marketing of these products, especially those aimed at teenagers. Education about the dangers of ecigarettes must also be strengthened, so that consumers, especially teenagers, can be more critical in responding to claims circulating in the media. Without stricter supervision, these health-risking products can continue to be marketed freely, ultimately harming consumers, especially those who do not have enough knowledge.

As an effort to protect consumer rights, there needs to be more concrete strategic steps in supervision and regulation. First, e-cigarette manufacturers must be required to include complete and accurate information about the content of

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⁴ Octavira, N. (2024). Perlindungan Konsumen Dan Penegakan Hukum Terhadap Produk Rokok Elektrik: Implementasi UU. 8 Tahun 1999. Jurnal Literasi Indonesia, 1(3), 97-104.

⁵⁵ Mulyana, K. I., Saptono, H., & Prasetyo, A. B. (2024). Tinjauan Yuridis Terhadap Bisnis Cairan Rokok Elektrik (E-Liquid) Eceran Di Indonesia. Diponegoro Law Journal, 13(1).

⁶ Yuwono, F., Munigar, W., Zakiyani, S. N., & Kurniati, P. S. K. (2024). Analisa Kebijakan Pemerintah Mengenai Beacukai Liquid (Rokok Elektrik) Terhadap Pengguna Vape. Jurnal Ilmiah Dinamika Sosial, 8(1), 1-11.



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ingredients in vape liquid on product packaging. Furthermore, advertising aimed at consumers, especially adolescents, must be tightened and should only be made with claims based on valid scientific evidence. The government, through stricter regulation, needs to ensure that the promotion and distribution of e-cigarettes does not harm consumers and does not lead to exploitation of vulnerable young consumers. In this case, it is important to involve various parties, ranging from supervisory agencies to the public, in an effort to strengthen consumer protection related to e-cigarette products.⁷

2. Consumer Knowledge Level

Table 1. Consumer l	Knowledge Level
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Consumer Knowledge Category	Percentage of Respondents (%)	Number of Respondents (N=100)
Respondents aware of health risks	30%	30
Respondents who believe e-cigarettes are safe	70%	70

The survey results show that only 30% of respondents are aware of the health risks associated with the use of ecigarettes. This limited knowledge indicates that education related to the health impact of e-cigarettes is still very lacking among consumers. Scientifically, although e-cigarettes are considered a safer alternative to conventional cigarettes, health studies show that e-cigarettes still contain nicotine, which can lead to dependence, as well as harmful chemical compounds such as formaldehyde, acrolein, and acetaldehyde. These chemicals can cause irritation to the respiratory tract, as well as increase the risk of heart and lung disease.⁸ In addition, in several studies conducted by the U.S. National Institutes of Health (NIH), it was found that aerosols from e-cigarettes also contain compounds that can potentially damage lung tissue and increase DNA damage.⁹ With the lack of information obtained by consumers, it is important for health authorities to provide a more thorough understanding of the health hazards that may arise from the use of e-cigarettes.

In contrast, 70% of respondents consider e-cigarettes to be completely safe. This belief is most likely influenced by marketing that claims e-cigarettes as a healthier alternative to conventional smokers, without mentioning the potential health risks implied. This phenomenon can be explained through cognitive dissonance theory which states that individuals tend to ignore or underestimate information that contradicts their beliefs, especially if the

⁷ Pramana, I. P. D. H., & Sihotang, E. (2024). Penegakan Hukum Pidana Terhadap Pelanggaran Kawasan Tanpa Rokok Berdasarkan Undang-Undang Nomor 17 Tahun 2023 Tentang KESEHATAN. Wacana Paramarta: Jurnal Ilmu Hukum, 23(2), 44-49.

⁸ Sandhi, S. I. (2019). Phenomenological Study: Self Awareness of Active Smokers with Toddlers in Smoking Behavior in Public Places in Pegulon Village, Kendal Regency. Journal of Midwifery Hope Ibu Pekalongan, 6, 237-243.

⁹ Guo, J., & Hecht, S. S. (2023). DNA damage in human oral cells induced by use of e-cigarettes. Drug Testing and Analysis, 15(10), 1189-1197.



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information is related to habits that they perceive as a solution to their problems.¹⁰ Although e-cigarettes do not produce as harmful tar as conventional cigarettes, their use is still risky because they contain nicotine and chemicals that can damage the cardiovascular and respiratory systems.¹¹ The decrease in tar levels in e-cigarettes does not necessarily make it safe, as the nicotine contained in vape liquids remains harmful to the body, even in low concentrations. Therefore, there needs to be further efforts to educate the public about the existing scientific facts related to e-cigarettes.

The results of this survey reveal a large gap in consumer understanding of the potential dangers of e-cigarettes. Many of them get caught up in marketing claims that are not based on sufficient scientific evidence. Scientifically, the Centers for Disease Control and Prevention (CDC) revealed that although e-cigarettes can reduce exposure to harmful chemicals contained in conventional cigarettes, these products still pose risks, especially to lung health and the cardiovascular system. E-cigarettes can affect lung development in adolescents, who are still in the growth stage, as well as increase the risk of inflammation in the respiratory tract. Although some countries have regulated e-cigarettes as an alternative to quitting smoking, more research is needed to understand the long-term effects of their use. In this context, the survey results that show low consumer awareness of these risks emphasize the importance of more intensive education efforts, both through health campaigns and more effective health literacy programs. Without a clear understanding, consumers will continue to be irresponsible marketing targets.

Based on the data of this survey, it is clear that consumers' understanding of e-cigarettes is still very limited, so there is a need for stronger policies in terms of product supervision and marketing regulations. Scientifically, although e-cigarettes have the potential to be a smoking cessation tool, their use cannot be considered risk-free.¹² Vape liquids used in e-cigarettes contain chemicals that can cause damage to other organs of the body, including the heart and kidneys. Therefore, it is important to improve regulations related to the advertising of these products, by requiring manufacturers to include clear information about the chemical content in vape liquids, as well as the health risks that may be caused. In addition, consumers should be provided with more accurate information regarding the dangers of using e-cigarettes, so that they can make better decisions related to the use of these products. Strengthening supervision of advertisements targeting teenagers and young groups also needs to be considered, considering the potential for a greater impact on this age group which tends to be vulnerable to the influence of advertisements.

3. Consumer Protection Strategy

In order to strengthen consumer protection related to the use of e-cigarettes, this study provides several strategic recommendations that need to be implemented by the government, supervisory agencies, and industry players. One of the main recommendations is the preparation of more specific and comprehensive regulations for the supervision

¹⁰ Aqila, F. (2024). Analisis Disonansi Kognitif Pada Perokok Perempuan di Jakarta. IKRA-ITH HUMANIORA: Jurnal Sosial dan Humaniora, 8(3), 185-195.

¹¹ Ahsan, A., Wiyono, N. H., & Veruswati, M. (2020). Policy Study of Law Amendment No. 39/2007 and Excise Policy Reform in Indonesia.

¹² Randungan, C. L. Perlindungan Hukum Terhadap Konsumen Rokok Elektronik Berdasarkan Peraturan Pemerintah Nomor 109 Tahun 2012. Jurnal Hukum Prodi Ilmu Hukum Fakultas Hukum Untan (Jurnal Mahasiswa S1 Fakultas Hukum) Universitas Tanjungpura, 5(2).



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of e-cigarette products¹³. Currently, existing regulations are still very limited, especially in terms of supervision of vape liquid materials and e-cigarette devices circulating in the market. Some existing regulations, such as Government Regulation No. 109 of 2012 and Permenkes No. 28 of 2013, do not specifically cover e-cigarettes, so there are still legal loopholes that can be used by manufacturers to ignore safety standards. Therefore, it is important to develop regulations that specifically regulate product quality, packaging, information that must be included, as well as e-cigarette distribution procedures. Stricter enforcement of these regulations will help reduce potential violations of consumer rights and ensure that products on the market are safe and compliant with the standards set.

The second recommendation is the implementation of a more massive education campaign about the risks of ecigarettes to the public. As revealed in the survey results, there are still many consumers who consider e-cigarettes as a completely safe product, without understanding the potential health risks involved. For this reason, an educational campaign supported by credible scientific data is very important to increase public awareness about the dangers of e-cigarettes. This campaign can be carried out through various platforms, both social media, mass media, and direct activities such as seminars and workshops. The World Health Organization (WHO) and other international health agencies have asserted that e-cigarettes are not risk-free, and campaigns based on scientific evidence will help build a better understanding among consumers. Clearer information about the nicotine content and other harmful chemical compounds in vape liquids can help people to be more careful in choosing and using such products.

In addition, strengthening supervision of e-cigarette advertising and promotion is also very necessary, especially those targeting teenagers. As found in the survey results, many e-cigarette ads target young people with unproven claims, such as considering e-cigarettes as a healthier and risk-free alternative. According to the National Institute on Drug Abuse (NIDA), adolescents are a vulnerable group to attractive advertising and often lack an understanding of the long-term effects of using products such as e-cigarettes. Therefore, supervision of advertising should be tightened, with clear rules regarding the types of promotions that can be carried out and who the target audience is. The government and regulatory agencies, such as the Food and Drug Supervisory Agency (BPOM), must enforce the prohibition of excessive and unfounded promotions, especially those aimed at children and adolescents. In addition, there needs to be a regulation that prohibits the marketing of e-cigarettes through media that are easily accessible to children and adolescents, such as social media platforms and internet-based applications.

This consumer protection strategy is in line with the principles contained in Law No. 8 of 1999 concerning Consumer Protection, which affirms that consumers have the right to true, clear, and honest information about the products they consume. Therefore, strengthening regulations, educational campaigns based on scientific evidence, and strict supervision of advertising and promotion are important steps to create a safer and fairer market environment for e-cigarette consumers. The implementation of these strategies will not only increase consumer knowledge about the risks of e-cigarettes, but also prevent potential exploitation of more vulnerable age groups, such as adolescents, who are still in the habit and lifestyle formation stage.

¹³ Nabila, T., & Sakti, M. (2023). Perlindungan Konsumen Atas Iklan Produk Rokok Sebagai Upaya Menurunkan Prevalensi Perokok Anak. Jurnal Interpretasi Hukum, 4(2), 367-376.



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CONCLUSIONS

Consumer protection related to e-cigarettes in Makassar City still faces various significant challenges. Consumer rights violations, such as misleading product information and irresponsible advertising, still occur in the market. Many e-cigarette products are sold without clear information about the content of harmful chemicals, such as nicotine and formaldehyde, which can be harmful to health. In addition, ads targeting teenagers with unsubstantiated claims, such as considering e-cigarettes as a healthier alternative, exacerbate the problem. The survey results show that most consumers, especially teenagers, are less aware of the health risks associated with using e-cigarettes. This emphasizes the importance of increasing consumer education and understanding of the possible health impacts. Therefore, stricter regulations are needed, such as the obligation to include more transparent information about the content of the product and its potential risks. Educational campaigns based on scientific evidence also need to be strengthened to build awareness among the public, especially adolescents. Scrutiny of irresponsible advertising and promotion should be increased to protect consumers, so they can make wiser and more informed decisions regarding the use of e-cigarettes

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