

## The Application of Consumer Protection Law No. 8/1999 Article 7 on E-Cigarette Users at Bagdja Coffee

Gugun Restu Yudhistira<sup>1</sup>, Dadang Komara<sup>2\*</sup>, Eneng Sri Wahyuni<sup>3</sup>, Ohan Wahyu Nurjaman<sup>4</sup>, Iwan Wahidin<sup>5</sup>, Udin Saripudin<sup>6</sup>, Elan Jaelani<sup>7</sup>, Dani Ramdani<sup>8</sup>, R. Sinsin Rosyidin<sup>9</sup>, Gamal Abdul Nasir Zakaria<sup>10</sup>

<sup>1,2,3,4,5</sup>STAI Bhakti Persada Majalaya

<sup>6</sup>Universitas Islam, Bandung

<sup>7</sup>Universitas Islam Nusantara Sunan Gunung Djati

<sup>8</sup>Universitas Negeri, Surabaya

<sup>9</sup>Sekolah Indonesia Mekkah Arab Saudi

<sup>10</sup>University Brunei Darussalaam

**Corresponding Author:** Dadang Komara; [dadangkomarashimm@gmail.com](mailto:dadangkomarashimm@gmail.com)

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### ABSTRACT

This study aims to examine the implementation of Article 7 of Law No. 8 of 1999 on the use of electronic cigarettes (vape) at Cafe Bagdja Coffee. This study uses a qualitative approach with a case study method, with data collection techniques in the form of interviews, observations, and documentation. The results of the study indicate that business actors have not fully carried out their obligations to provide protection to consumers, such as providing health risk information and separating areas for vape users. Consumers are also not fully aware of their rights and the potential dangers of using electronic cigarettes in public spaces. From an Islamic perspective, the use of vape in public spaces is contrary to sharia principles that prohibit actions that endanger oneself and others. This study recommends the need for non-vape area zoning, health risk education, law enforcement, and awareness campaigns based on Islamic values. These findings emphasize the importance of synergy between legal, social, and religious aspects in efforts to protect consumers as a whole

## **INTRODUCTION**

Smoking is still a major challenge in the field of public health in Indonesia. Despite various health campaigns and regulatory efforts, the habit of smoking – both conventional cigarettes and e-cigarettes – still persists in various levels of society. One of the most worrying trends is the increasing use of e-cigarettes or vapes, especially among teenagers and young adults. These devices are often marketed as a safer alternative to tobacco cigarettes, but their popularity has increased rapidly without being accompanied by a comparable increase in public awareness of their health risks.

The popularity of vapes is not only limited to private spaces, but has also spread to various public places, especially cafes and recreational areas. These places have become social spaces where vaping activities are not only considered normal, but are even viewed as a modern lifestyle or a certain status symbol. This normalization raises serious concerns, such as indirect smoke exposure, use without sufficient knowledge, and the formation of a glamorous image of something that is basically a health risk. In this context, the responsibility of business actors, especially cafe managers, becomes very crucial in guaranteeing consumer health rights and protection.

This study specifically takes a case study at Cafe Bagdja, a popular café located in Majalaya, to examine these issues in more depth. This café is a favorite gathering place for both smokers and non-smokers, especially among young people. The relaxed environment and the absence of clear health rules or warnings make this place relevant to study in the context of how business actors understand – or even ignore – their legal obligations to protect consumer safety, especially regarding the use of e-cigarettes. The main focus of this study is an analysis of the implementation of Article 7 of Law Number 8 of 1999 on Consumer Protection. This article contains a number of obligations for business actors, including the obligation to act in good faith, provide correct and honest product information, and guarantee consumer safety and health. These responsibilities become increasingly important in a business environment that trades or allows the consumption of potentially dangerous products such as vapes.

However, the practical implementation of this legal mandate often faces various obstacles. Many business actors, especially in the informal or small-scale sectors such as cafes, lack awareness or even ignore the importance of consumer protection. This mismatch between law and practice creates a gap that can threaten the health and rights of consumers. In addition, the lack of law enforcement mechanisms and low consumer knowledge also worsen the situation.

The uniqueness of this study lies in its attempt to bridge this gap by examining the real practices of a business in relation to the established legal obligations. By analyzing the dynamics that occur at Cafe Bagdja, this study presents a micro-picture of how consumer protection law is understood and applied in everyday commercial contexts. In addition, this study also highlights the importance of integrating legal, ethical, and health perspectives in regulating

the use of e-cigarettes which are increasingly popular socially but medically raise concerns.

## LITERATURE REVIEW

### *Legal Theory*

Consumer Protection Law No. 8 of 1999 Article 7 is the main legal basis that regulates the obligations of business actors to consumers. This article emphasizes the importance of business actors to act in good faith in running their business, provide correct, clear, and honest information about goods or services, and guarantee the quality of the products traded. In addition, business actors are also required to provide compensation or compensation for losses experienced by consumers due to the use of defective or non-conforming products or services.

In the context of the use of electronic cigarettes (vaporizers) in public spaces such as cafes, the application of this article becomes very relevant. Products such as vaporizers have potential health risks, both for direct users and those around them. Therefore, business actors have a legal responsibility to provide information about these potential dangers and prepare preventive measures, such as providing a special room or providing education to customers. Failure to carry out this obligation can be categorized as a form of violation of the law and injuring consumer rights.

### *Theological Perspective*

From an Islamic theological perspective, the use of electronic cigarettes must be reviewed from the basic principles of sharia which emphasize the protection of the soul (hifzh al-nafs) and the prohibition of harming oneself or others. This is reflected in Q.S. Al-Baqarah: 195, which reads "And do not throw yourselves into destruction." In addition, the hadith narrated by Ibn Majah No. 2340 and 2341 also strengthens this message with the words of the Prophet Muhammad SAW, "It is not permissible to harm oneself and it is not permissible to harm others."

These two arguments show that Islam in principle rejects behavior that causes harm (danger), either directly or indirectly. Smoking, including in its modern form such as vaporizers, can be categorized as an act that is detrimental to the soul and health. Therefore, from a theological perspective, the use of electronic cigarettes cannot be separated from the consideration of Islamic values that encourage its people to maintain health, avoid waste, and not normalize habits that have a negative impact on society at large.

### *Philosophical Basis*

The Islamic philosophical perspective through the thoughts of Imam Al-Ghazali provides a moral and rational framework in assessing actions, including the use of e-cigarettes. Al-Ghazali stated that something that is halal in substance, such as honey, can turn into haram if consumed by someone who endangers himself due to certain conditions. In this case, e-cigarettes can be included in this category, because their content contains nicotine and other dangerous substances that can damage the health of users and those around them.

Furthermore, Al-Ghazali also emphasized the importance of using wealth for beneficial things. If someone uses their wealth to buy something that harms themselves or ignores the obligation to support their family for momentary pleasures such as vaping, then this action can be considered unethical and even reprehensible. Islamic philosophy encourages individuals to consider the values of utility, caution, and responsibility in acting, including in choosing a lifestyle and consumer products.

### ***Anthropological Theory***

Anthropological theory explains that individual behavior is greatly influenced by the social environment in which they are located. In this case, culture, subculture, and social class play a major role in shaping habits, including the habit of smoking or using e-cigarettes. Among teenagers and young people, vaping is often considered a symbol of freedom, modernity, or even a certain social status, which is then imitated by other individuals in their group to show their identity or existence.

This phenomenon shows that the spread of the habit of using vaporizers is not only influenced by individual factors, but also by social pressure, media, and lifestyles formed by the community. Therefore, an anthropological approach helps us understand that the solution to reducing vape use is not enough with regulation alone, but also requires cultural and social interventions, including public education, public campaigns, and the formation of healthy social norms.

## **METHODOLOGY**

This study uses a qualitative approach with a case study method to explore the application of Article 7 of the Consumer Protection Law at Cafe Bagdja. The qualitative approach was chosen because it is able to provide an in-depth understanding of social phenomena in their natural context. This method emphasizes the meaning, context, and subjective views of the actors involved. The case study design provides researchers with the freedom to study one location intensively and comprehensively.

Data collection was conducted using various techniques to ensure the validity and reliability of the research findings. The main technique used was in-depth interviews with café owners, employees, and customers – both those who use e-cigarettes and those who do not. Interviews were conducted in a semi-structured manner to stay focused on the main issues such as understanding of consumer rights, business actors' responsibilities, and perceptions of the presence of e-cigarettes in public spaces.

In addition to interviews, direct observation was also conducted to observe the behavior of business actors and consumers in the café environment. Researchers noted whether there were rules or signs prohibiting the use of e-cigarettes, how employees responded to customers who smoked e-cigarettes, and whether health information was available for consumers. These observations provide a real picture that can strengthen or contrast data from the interview results.

Document analysis was also used, especially by reviewing the café's internal policies (if any), warning signs on site, and related legal documents such as UUPK No. 8 of 1999. Data triangulation techniques—through interviews, observations, and document analysis—helped researchers gain a complete understanding of how consumer protection laws are implemented. The results of this study not only show the level of business actors' compliance with the law, but also describe consumer awareness and cultural acceptance of the practice of using vapes in public spaces.

## RESULTS

The results of the study indicate that business actors at Cafe Bagdja have not fully fulfilled their obligations as stipulated in Article 7 of Law Number 8 of 1999 on Consumer Protection. These obligations include providing honest and clear information, fair treatment of consumers, and guarantees of the safety of the products or services offered. In practice, there has been no real effort from the management to socialize consumer rights or the risks that may arise from the use of e-cigarettes in the café environment.

There were no clear warnings or written policies regarding the use of e-cigarettes in the café area. The vaping and non-vaping spaces are not separated, so that non-smoking consumers must also be in an environment that is potentially exposed to e-cigarette vapor. The absence of warning signs and zoning indicates a lack of management awareness of the importance of creating a safe and healthy environment for all visitors. Another significant finding is the low level of consumer awareness of their rights, both in relation to legal protection and health information. Many consumers do not realize that they have the right to obtain clear information about the products and the environment they enjoy. They also do not know that business actors should provide safe spaces and provide warnings about the potential dangers of e-cigarettes.

From an ethical and Islamic legal perspective, the behavior of allowing or even facilitating the use of vapes in public spaces is very contrary to the principles of sharia. Islamic teachings strictly prohibit actions that can harm oneself or others. In this case, business actors who do not make efforts to prevent or educate regarding the dangers of e-cigarettes are playing a role in allowing harm to occur in public spaces.

Overall, the results of this study illustrate the gap between the applicable legal provisions and their implementation in the field. Although legally there are clear regulations, the lack of supervision, education, and awareness from business actors and consumers has made the implementation of these regulations ineffective. This emphasizes the importance of further intervention from the authorities, as well as the active role of the community in demanding protection and responsibility from business actors.

## **DISCUSSION**

The discussion of the findings of this study highlights the existence of a quite striking gap between the regulations that have been set and actual practices in the field. Although normatively the Consumer Protection Law No. 8 of 1999 has required business actors to provide protection to consumers, in reality the implementation at the business actor level is still very weak. Many entrepreneurs, especially in the informal sector such as cafes, do not have adequate legal awareness or even ignore their responsibility for consumer protection.

Cafe Bagdja, as a case study in this study, emphasizes a contemporary image and customer freedom in carrying out activities rather than providing protection for consumer rights. Vaping is considered part of a modern lifestyle that cafes want to facilitate to attract consumers, without considering the health and social impacts that arise. This choice reflects a business orientation that prioritizes commercial aspects over social responsibility and business ethics.

From an Islamic perspective, business actors have a moral and social responsibility not to harm consumers, either directly or indirectly. The basic principle in Islamic law emphasizes the importance of *la dharar wa la dhirâr* (not harming and not harming each other), which explicitly directs that allowing practices that endanger health in public spaces is a form of moral negligence. Therefore, business actors who do not take preventive measures against the use of vapes can be considered to be acting contrary to Islamic ethical values.

Philosophically, the act of allowing dangerous habits such as vaping in public places can be considered a violation of the principle of public interest. When something that was initially not absolutely forbidden becomes forbidden because it causes harm, then the law changes according to the context. This is reinforced by the thoughts of Imam Al-Ghazali who stated that something can become forbidden because it endangers oneself, harms others, or violates social and ethical norms.

The concept of *al-maslahah al-mursalah* in Islamic legal theory further emphasizes that every social policy and practice should be in favor of the public benefit and avoid harm. In this context, providing public spaces that are free from e-cigarette smoke is part of an effort to create common good. Thus, allowing the practice of vaping without limits in public places is not only contrary to positive law, but also not in line with the principles of justice and public interest in Islam.

## **CONCLUSIONS AND RECOMMENDATIONS**

Based on the results of the research that has been conducted, it can be concluded that Cafe Bagdja has not fully implemented Article 7 of the Consumer Protection Law No. 8 of 1999. This article requires business actors to act in good faith, provide correct and honest information, and guarantee the safety and comfort of consumers in using products or services. However, in practice, the implementation of this obligation is still far from expectations.

One of the main weaknesses found is the absence of a division of space between the electronic smoking area and the smoke-free area. This condition has the potential to harm non-smoking consumers and violate their right to clean air.

Therefore, a zoning policy is needed in the cafe area that clearly separates vape users from other consumers as a form of real protection for public health.

In addition, it is important to provide clear information regarding the health risks of using electronic cigarettes. The absence of health information or warnings makes consumers unaware of the dangers that may arise. Therefore, public education through warning labels, posters, or campaigns in public spaces is an inseparable part of consumer protection efforts.

Additional recommendations include the importance of consistent law enforcement by authorities and the need for consumer awareness campaigns based on Islamic values. These campaigns aim to build public awareness that the use of dangerous products, especially in public spaces, is contrary to religious teachings and social norms. Collaboration between business actors, legal authorities, and religious figures is key to creating a business environment that is not only legal in law, but also spiritually and socially ethical.

#### **FURTHER STUDY**

This study still has limitations, so further research is needed related to the topic of The Application of Consumer Protection Law No. 8/1999 Article 7 on E-Cigarette Users at Bagdja Coffee in order to perfect this study and increase insight for readers.

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