THE IMPORTANCE OF IMPLEMENTING REGULATIONS REGARDING THE RESTRICTION OF CIRCULATION AND USE OF VAPE IN INDONESIA

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Abstract

The widespread use of electronic cigarettes or vapes in Indonesia, particularly among minors, has raised concerns regarding public health and the adequacy of the existing legal framework. Although Indonesia has adopted various laws and regulations concerning health, addictive substances, tobacco products, and child protection, the regulation of vape circulation and use remains fragmented. This study aims to examine the legal framework governing the circulation and use of vape devices in Indonesia and to assess the legal protection afforded to minors against the risks associated with vaping. This study employs normative juridical or doctrinal legal research using statutory, doctrical, and comparative approaches. The analysis is based on primary and secondary legal materials, including legislation, legal doctrines, and relevant literature. The results show that Indonesia has established several legal instruments that provide a basis for regulating electronic cigarettes and protecting public health and minors. However, the existing framework does not yet provide a comprehensive and harmonized regulation specifically addressing vape circulation and use, particularly with regard to vape-free areas, age restrictions, responsibilities, and enforcement mechanisms. The fragmented nature of the existing regulations creates legal gaps that may undermine the effective protection of minors and public health. Therefore, legal reform and harmonization are necessary to establish a clearer and more integrated regulatory framework governing the circulation and use of vapes in Indonesia.

A. Introduction

Currently, there is a phenomenon that is occurring in several communities related to the use of electronic cigarettes, also known as e-cigarettes. E-cigarettes are also referred to by a variety of terms, including "vape," "e-hookahs," "mods," "e-cigs," and so on. In summary, vaping involves heating a liquid containing nicotine or other substances to produce an aerosol that is inhaled by the

user without burning tobacco.[1] The components of a vape generally include a battery, a heating coil, and a liquid reservoir. When the device is activated, the battery supplies electrical power to the heating coil, causing it to heat the liquid contained in the reservoir. The heated liquid is then converted into an aerosol, which is inhaled by the user.[2]

The first vapes were introduced in Indonesia around 2010. However, they were not initially popular, as the public still preferred traditional cigarettes.[3] By around 2013, the use of vapes began to increase and has continued to grow since then. The growing demand has contributed to the expansion of the vape industry, with numerous stores and Micro, Small, and Medium Enterprises (MSMEs) operating in the sector. These businesses compete to develop innovative designs and a wide variety of vape products. The competition is not limited to domestic products, as imported and foreign-made vape products are also widely available in the Indonesian market.

A wide variety of vaping devices are available on the market, ranging from small and simple devices to more sophisticated models. Vape products are also available with a broad range of e-liquid flavors, including fruit, candy, beverage, tea, and other food-inspired flavors. In addition to devices and e-liquids, the vaping industry offers various accessories, such as lanyards, cases, stickers, and other products designed to enhance the vaping experience. The relatively compact and rechargeable design of many vaping devices, combined with the wide variety of available flavors and accessories, has contributed to their appeal among consumers. Unlike conventional cigarettes, which produce smoke with a strong and persistent odor, vaping produces an aerosol with a comparatively less pronounced odor that does not linger in the same manner on clothing, hair, and other surfaces.[4] This difference in odor may contribute to the perception that vaping is less intrusive than conventional smoking and may encourage its use in public spaces, potentially increasing exposure among non-users.

[1] Aditya Wirawan and Tutug Kinasih, "Vape: Alternatif Rokok Tembakau Atau Trend Rokok Masa Kini," March 1, 2023, https://rs.ui.ac.id/umum/berita-artikel/artikel-populer/vape-alternatif-rokok-tembakau-atau-trend-rokok-masa-kini.
[2] Adhimas Brahmantyo, Indi Esha, and Faisal Yunus, *E-Cigarette or Vaping Use-Associated Lung Injury (EVALI): A Literature Review*, 11 (2025).
[3] Muhammad Haikal Riansyah and Risky Akaputra, *Analysis of Factors Affecting the Use of E-Cigarettes (Vapes) and Their Impact on Physical, Psychological, and Social Health in Generation Z*, 5, no. 1 (2025).
[4] Rahul Anand et al., "From Smoke to Vapor: Understanding the Auditory Consequence from Traditional Smoking to Vaping.," *Asian Pacific Journal of Cancer Prevention : APJCP* (Thailand) 25, no. 3 (March 2024): 719–21, https://doi.org/10.31557/APJCP.2024.25.3.719.

The growing vape market has also contributed to the development of new marketing and distribution channels. The sale of vape products has expanded beyond physical vape stores and minimarkets to online platforms, including e-commerce and social media such as Instagram, Telegram, and Facebook.[5] This development has made vape products increasingly accessible to consumers. In contrast to conventional tobacco products, which are subject to mandatory health warnings, vape products have traditionally been marketed and packaged with fewer prominent health warnings. The packaging and visual presentation of some vape products may also feature colorful designs and flavors that contribute to their market appeal.

The growing popularity of vaping is also reflected in the development of large-scale events dedicated to the vaping industry. The Jakarta International Vape Expo (JIVE) attracts thousands of vaping enthusiasts each year. The continued growth of the event is further demonstrated by JIVE 2025, which attracted more than 23,000 visitors over two days, from 31 May to 1 June 2025.[6] This development illustrates how vaping has evolved beyond the consumption of nicotine products into a commercial and lifestyle-oriented phenomenon.[7] The marketing and promotional activities associated with vaping may contribute to the normalization of vaping, particularly among younger audiences. Research has highlighted the need for regulatory measures addressing the advertising and promotion of vaping products to reduce their appeal to young people and prevent early nicotine initiation.[8,9] The emergence of such events illustrates that vaping is not promoted solely through the sale and distribution of individual products, but also through organized commercial and promotional activities that may increase public exposure to vaping. This raises a regulatory question concerning whether existing rules governing the advertising, promotion, and distribution of electronic cigarettes sufficiently address vape-related events as a distinct channel of commercial

[5] Carla J. Berg et al., "The Reshaping of the E-Cigarette Retail Environment: Its Evolution and Public Health Concerns," *International Journal of Environmental Research and Public Health* 19, no. 14 (2022), https://doi.org/10.3390/ijerph19148518.
[6] Vapeboss, "JIVE 2025 - The Last Dance! Kepoin Ada Apa Aja Disini!," May 13, 2025, https://vapeboss.co.id/blogs/news/jive-2025.
[7] Yehao Sun et al., "Vaping Greed: Perception, Social Media, Marketing, Public Health, and Toxicity," preprint, Public Health and Healthcare, April 6, 2023, https://doi.org/10.20944/preprints202304.0073.v1.
[8] Pamela M. Ling et al., "Moving Targets: How the Rapidly Changing Tobacco and Nicotine Landscape Creates Advertising and Promotion Policy Challenges," *Tobacco Control* 31, no. 2 (March 2022): 222–28, https://doi.org/10.1136/tobaccocontrol-2021-056552.
[9] Monica Magalhaes, "Vaping Restrictions: Is Priority to the Young Justified?," *Nicotine & Tobacco Research* 23, no. 1 (January 2021): 32–35, https://doi.org/10.1093/ntr/ntaa175.

and promotional activity, particularly where such events may be accessible or visible to younger audiences.

The increasing use of electronic cigarettes is also reflected in recent national health data. According to the Indonesian Health Survey (*Survei Kesehatan Indonesia*/SKI) 2023, 3.2% of the Indonesian population aged 10 years and above consumed electronic cigarettes.[10] Among the population aged 10–18 years, the prevalence of electronic cigarette use increased from 0.06% in 2018 to 0.13% in 2023.[11] In addition, the Global Adult Tobacco Survey (GATS) Indonesia 2021 reported that current electronic cigarette use among adults increased from 0.3% in 2011 to 3% in 2021, representing approximately 6.2 million users.[12] These data demonstrate that electronic cigarette use has become an increasingly significant public health and regulatory concern in Indonesia, particularly in light of its continued presence among younger age groups.

The increasing accessibility and use of electronic cigarettes also raise concerns regarding the protection of minors. The World Health Organization (WHO) states that nicotine is highly addictive and is found in most electronic cigarettes. WHO further warns that the use of electronic cigarettes or vaping products poses significant health risks.[13] Despite these concerns, some individuals perceive vaping as a safer alternative to conventional tobacco cigarettes.[14] The Indonesian Medical Association (*Ikatan Dokter Indonesia*/IDI) and the Indonesian Association of Medical Specialists have noted that electronic cigarettes were originally introduced as an alternative for smokers seeking to reduce or quit tobacco consumption.[15] However, concerns have emerged regarding the increasing dependence on vaping products, particularly among young users. Studies have also indicated that the growing popularity of vaping may encourage nicotine initiation

[10] Nabilah Muhammad, "Yogyakarta, Provinsi Dengan Konsumsi Rokok Elektrik Tertinggi Nasional 2023," *Databoks*, July 2024, https://databoks.katadata.co.id/layanan-konsumen-kesehatan/statistik/66a3317fe0047/yogyakarta-provinsi-dengan-konsumsi-rokok-elektrik-tertinggi-nasional-2023.
[11] Mecca Yumna Ning Prisie, "Kemenkes: Prevalensi Merokok Usia 10-18 Tahun Turun Ke 7,4 Persen," *Antara*, May 29, 2024, https://www.antaranews.com/berita/4126569/kemenkes-prevalensi-merokok-usia-10-18-tahun-turun-ke-74-persen.
[12] "Perokok Aktif Di Indonesia Tembus 70 Juta Orang, Mayoritas Anak Muda," *Kemenkes*, May 29, 2024, https://kemkes.go.id/id/perokok-aktif-di-indonesia-tembus-70-juta-orang-mayoritas-anak-muda.
[13] World Heath Organization, "Tobacco: E-Cigarettes," January 19, 2024, https://www.who.int/news-room/questions-and-answers/item/tobacco-e-cigarettes.
[14] Karma Wirajaya, Putu Ika Farmani, and Putu Ayu Laksmini, "Determinants of Electric Cigarette (Vape) Use by Adolescents In Indonesia," Articles, *Jurnal Kesehatan Komunitas (Journal of Community Health)* 10, no. 2 (June 2024): 237–45, https://doi.org/10.25311/keskom.Vol10.Iss2.1798.
[15] Diana Rizky, "Efek Negatif, PB IDI Ungkap Vape Justru Bikin Orang Kecanduan," January 16, 2023, https://www.inilah.com/efek-negatif-pb-idi-ungkap-vape-justru-bikin-orang-kecandungan.

among adolescents and young adults who were previously non-smokers.[16] Exposure to substances contained in vape products may be associated with various adverse health effects, including respiratory symptoms, eye irritation, and reduced lung function.[17] The health risks are particularly concerning for minors, as nicotine exposure during adolescence may affect physical and cognitive development and increase the likelihood of long-term nicotine dependence and other health complications later in life.[18]

These concerns demonstrate that the legal issue is not limited to the health effects of vaping, but also concerns whether the existing Indonesian regulatory framework is sufficiently comprehensive to control the circulation and use of electronic cigarettes and to protect minors from their potential risks. The growing availability of vape products through physical and online channels, together with their accessibility to younger consumers, requires a legal framework that regulates not only the products themselves but also their circulation, sale, distribution, advertising, and use.

Viral videos have shown minors vaping or being exposed to vape aerosol, involving children of various ages, including children under five years old and elementary and secondary school students. In 2018, the Surabaya City National Narcotics Agency (*Badan Narkotika Nasional*/BNN) identified an 11-year-old child, referred to as "DS," as a vape user. According to a report from his teacher, DS was frequently found asleep during school hours, and a subsequent urine test indicated the presence of methamphetamine.[19]

A similar incident was reported in 2021, when a video circulated on Instagram showing an adult exhaling vape aerosol toward a young girl and subsequently placing a vape device in the child's mouth, causing her to inhale from the device.[20] These incidents illustrate that the risks associated with vaping may extend beyond voluntary consumption by adult users to the exposure

[16] Ghadah Ali Al-Oudah et al., "E-Cigarettes and Vaping: A New Frontier in Youth Drug Prevention," *Journal of Biomedicine and Biochemistry* 4, no. 1 (March 2025): 1–13, https://doi.org/10.57238/jbb.2024.7432.1132.
[17] Yunita Arliny, "Tuberkolosis Dan Kebiasaan Merokok," March 29, 2023, https://herminahospitals.com/id/articles/tuberkolosis-dan-kebiasaan-merokok.
[18] Achmad Reyhan Dwianto, "Hati-Hati, Ini Bahaya Rokok Dan Vape Bila Dikonsumsi Anak-Anak," February 12, 2020, https://health.detik.com/berita-detikhealth/d-4896750/hati-hati-ini-bahaya-rokok-dan-vape-bila-dikonsumsi-anak-anak.
[19] Deni Prastyo Utomo, "BNN Surabaya Temukan Pengguna Vapor Anak Di Bawah Umur," April 1, 2018, https://news.detik.com/berita-jawa-timur/d-3947618/bnn-surabaya-temukan-pengguna-vapor-anak-di-bawah-umur
[20] Luthfia Ayu Azanella and Rendika Ferri Kurniawan, "Viral, Video Balita Terpapar Asap Dan Dicekoki Vape, Ini Kata Dokter," July 14, 2021, https://www.kompas.com/tren/read/2021/07/14/200000165/viral-video-balita-terpapar-asap-dan-dicekoki-vape-ini-kata-dokter?page=all.

and access of minors to vape products.[21] Further concerns emerged in early 2023 following reports of vape liquid allegedly containing methamphetamine, raising additional concerns regarding the potential misuse of vape products for the delivery of illicit substances.[22]

In recent years, the issue of vaping has become increasingly prominent in Indonesian society, particularly in relation to reports concerning vaporisers containing illicit or controlled substances such as etomidate, methamphetamine, and ketamine. These developments have expanded the regulatory concern beyond nicotine consumption and toward the potential use of vaporisers as a means of delivering substances that may pose additional risks to public health and minors. BNN has also recommended a ban on vaporisers, while the House of Representatives (*Dewan Perwakilan Rakyat*/DPR) has repeatedly raised the issue of restricting or banning vaporisers as part of efforts to protect the younger generation. These developments further demonstrate the need to examine whether the existing regulatory framework is capable of addressing the increasingly diverse risks associated with vape products.

This study builds upon previous research concerning the regulation of vape products and the protection of minors. The first study was conducted by Yemima Christina Phoa and I Made Sarjana in 2023 under the title "*Tanggung Jawab Pelaku Usaha Pada Penjualan Personal Vaporizer Terhadap Konsumen Anak Di Bawah Umur.*"[23] The study examined the legal protection afforded to children as consumers in the purchase of personal vaporizers and the liability of business actors who sell vaporizer products to minors. The study found that the regulation governing the sale of conventional cigarettes and vaporizers was not sufficiently differentiated or specific.

A second study was conducted by Alan Hendra Bagaskara in 2019 under the title "*Karakteristik Pengaturan Dan Bentuk Pertanggungjawaban Pengguna Rokok Elektrik Oleh Anak Belum Dewasa*"[24] This study examined the liability of business actors who sell vape products to minors and the government's efforts to regulate the sale of electronic cigarettes. Both studies

[21] Agus Aryanto, "Anak Di Bawah Umur Rawan Salah Gunakan Vape, Pengamat: Segera Sahkan Regulasi!," March, 6, 2020, https://wartaekonomi.co.id/read275341/anak-di-bawah-umur-rawan-salah-gunakan-vape-pengamat-segera-sahkan-regulasi?page=2.
[22] Hana Nushratu, "Heboh Liquid Vape Isi Narkoba, Dokter Paru Sebut Efeknya Mematikan," January 19, 2023, https://health.detik.com/berita-detikhealth/d-6524262/heboh-liquid-vape-isi-narkoba-dokter-paru-sebut-efeknya-mematikan
[23] Yemima Christina Phoa and I. Made Sarjana, "Tanggung Jawab Pelaku Usaha Pada Penjualan Personal Vaporizer Terhadap Konsumen Anak Di Bawah Umur," *Jurnal Kertha Negara Vol* 11, no. 1 (2023): 50–62.
[24] Alan Hendra Bagaskara, "Karakteristik Pengaturan Dan Bentuk Pertanggungjawaban Pengguna Rokok Elektrik Oleh Anak Belum Dewasa" (Bachelor (S1) Thesis, Wijaya Kusuma Surabaya University, 2019).

share similarities with the present research in their focus on the responsibility of business actors and the urgency of establishing regulations governing vape products. However, these studies primarily focus on the liability of business actors and the sale of electronic cigarettes to minors and have not comprehensively examined the Indonesian legal framework governing the circulation and use of vape products as an integrated regulatory issue. In particular, the existing literature has not sufficiently examined whether the current regulatory framework provides coherent legal protection for minors across the different stages of vape circulation and use. This constitutes the research gap addressed by the present study.

The need for a more comprehensive regulatory framework can also be observed from the regulatory approaches adopted by other countries. Singapore, for example, maintains one of the strictest regulatory regimes concerning vaping, under which the sale, importation, possession, and use of e-cigarettes are prohibited.[25] The Singaporean approach is particularly relevant as a comparative reference because its regulatory framework extends beyond age-based restrictions on sales and seeks to control the availability, circulation, promotion, and supply of vaporisers. This study will therefore examine the Singaporean approach in greater detail in the discussion of the second research question to identify regulatory considerations that may contribute to the formulation of an appropriate regulatory and legal protection framework for minors in Indonesia.

Indonesia has taken regulatory measures to address these concerns through Government Regulation No. 28 of 2024. The regulation places electronic cigarettes within the broader regulatory framework for tobacco products and introduces provisions concerning, among other matters, production, distribution, sales, advertising, and restrictions relating to minors.[26] The regulation also establishes restrictions concerning the provision, sale, purchase, and consumption of electronic cigarettes by or involving persons under 21 years of age. Nevertheless, the existence of these provisions does not necessarily resolve whether the current regulatory framework is sufficiently coherent and comprehensive to address the circulation and use of vape products and to provide adequate legal protection for minors.

[25] Richard Stevanus Sitio, "Analisis Yuridis Perbandingan Hukum Tentang Rokok Elektrik Di Indonesia Dan Singapura," Articles, *JISOS: Jurnal Ilmu SosiaL* 2, no. 7 (September 2023): 1887–96.
[26] Trini Handayani and Rahmat Taufiq Dwi Jatmika, "Analisis Terhadap Regulasi Kadar Nikotin Dalam Produk Tembakau: Perspektif Perlindungan Hukum Bagi Perokok," Articles, *Proceeding Masyarakat Hukum Kesehatan Indonesia* 1, no. 01 (December 2024): 413–25.

Therefore, the significance of this study lies in the need to assess the adequacy of the existing Indonesian legal framework governing the circulation and use of vape products, particularly in protecting minors from the risks associated with vaping. Accordingly, this study aims to examine the existing legal framework governing the circulation and use of vape products in Indonesia and to analyze the adequacy of legal protection afforded to minors in relation to such circulation and use. Furthermore, by examining Singapore's regulatory approach comparatively, this study seeks to identify regulatory considerations that may support the strengthening of Indonesia's legal framework concerning the restriction of vape circulation and use and the protection of minors.

B. Method

This research employs normative juridical or doctrinal legal research, which examines legal rules, principles, and doctrines relevant to the legal issues concerning the regulation of vape circulation and use and the protection of minors in Indonesia. The research uses statutory, doctrinal, and comparative approaches. The statutory approach is employed by examining relevant legislation and regulations and analyzing their scope**,** consistency**,** and coherence in regulating vape products and protecting minors. The doctrinal approach is used to examine relevant legal doctrines, principles, and scholarly views concerning the legal issues under study. The comparative approach is used to compare the regulatory frameworks governing vape circulation and use in Indonesia and Singapore, particularly with regard to restrictions and the protection of minors, in order to identify similarities, differences, and relevant regulatory approaches that may inform the development of the Indonesian legal framework. The legal materials consist of primary and secondary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, the Indonesian Civil Code, Law No. 17 of 2023 on Health, Law No. 23 of 2002 on Child Protection, Government Regulation No. 28 of 2024, and other relevant legislation and regulations. Secondary legal materials consist of legal literature, scholarly writings, legal doctrines, and other relevant sources. The collected legal materials are analyzed descriptively and qualitatively to identify the existing legal framework, examine the legal gaps, and formulate legal arguments concerning the protection of minors from the risks associated with vape circulation and use.

C. Analysis and Discussion

1. Legal Framework in Indonesia regarding the Circulation and Use of Vape Devices

The attempt to establish regulation in Indonesia is by establishing Law No. 12 of 2011 on the Creation of Legislative Regulations as amended by Law No. 15 of 2019 on the Amendment of the Law No. 12 of 2011, on the Formation of Regulations of the Legislature. The law on the formation of legislative regulations is based on the idea that the state of Indonesia is the rule of law. As a rule of law, all aspects of life in the spheres of society, nationality, and state, including government, must be based on the law that corresponds to the national legal system.[27] The national legal system is the law applicable in Indonesia with all its elements that support each other to anticipate and solve the problems that arise in society, nation, and national life.

According to the gathered data on the number of smokers in Indonesia at the moment, it shows that the number is increasing every year, especially among younger generation.[28] The smoking industry grows by up to 10% (ten percent) per year. According to the data provided by Minister of Health, Dante Saksono, the number of active smokers in Indonesia is currently the third highest in the world behind China and India.[29] Smokers in Indonesia soars up to 90.000.000 people. The high number of smokers does not only come from conventional cigarettes, but also those who enjoy vaping or e-cigarettes.

The high number of smokers in Indonesia also causes losses from the burden of purchasing cigarettes, loss of productivity due to illness, disability, and premature death at a young age as well as medical costs due to diseases caused by tobacco. Considering that currently in Indonesia, no law specifically regulates the distribution and use of vape. The relevant regulations are contained in several general rules only. It is important to convey correct information to consumers regarding a product, so that consumers do not misrepresent the description of a particular product and conveying information to consumers can be in the form of representations, warnings, or instructions. Thus, this alarming growth highlights a worrying trend of early

[27] Ogiandhafiz Juanda and Juanda, "The Ideal Law State Concept in Indonesia; The Reality and The Solution," *Journal of Law, Politic and Humanities* 3, no. 2 (February 2023): 251–62, https://doi.org/10.38035/jlph.v3i2.172.
[28] Dea Alvi Soraya, "Kemenkes: Jumlah Perokok Indonesia Terbanyak Ketiga Di Dunia," June 15, 2023, https://news.republika.co.id/berita/rwa6sp463/kemenkes-jumlah-perokok-indonesia-terbanyak-ketiga-di-dunia.
[29] Detik News, "Kemenkes Bersiap Perketat Aturan Vape Di RI, Bakal Dilarang?," June 9 2023, https://health.detik.com/berita-detikhealth/d-6762509/kemenkes-bersiap-perketat-aturan-vape-di-ri-bakal-dilarang

nicotine addiction within the younger population, which poses long-term public health challenges for Indonesia. It underscores the urgent need for a stricter public health interventions and robust policies to prevent the normalization of smoking and vaping among Indonesia's youth.

In response to these pressing issues, the Indonesian government has taken initial steps toward stricter regulatory oversight by updating Government Regulation No. 28 of 2024 on tobacco product control. This regulation recognizes electronic cigarettes and vape products as addictive and potentially harmful, thus subjecting them to more rigorous controls similar to traditional tobacco. However, enforcement remains a challenge, and public education campaigns are critical to increasing awareness of the risks associated with both smoking and vaping. Without comprehensive regulations and widespread health education, Indonesia risks escalating healthcare costs and increasing mortality related to tobacco and vape use in the coming decades.

Article 1 of Law No. 17 of 2023 concerning Health (hereinafter referred to as the Health Law) explains that health is a healthy condition, both physically, mentally, spiritually, and socially, which enables everyone to live a productive life socially and economically. The Health Law provides the current legal framework concerning the control of tobacco products a
nd other products containing addictive substances, including electronic cigarettes.

Under the current legal framework, Law No. 17 of 2023 concerning Health expressly regulates tobacco products and electronic cigarettes within the framework of products containing addictive substances. Article 149 of the Health Law provides the legal basis for regulating electronic cigarettes as part of the products subject to health-related controls. This provision is further complemented by Government Regulation No. 28 of 2024, which establishes more detailed requirements concerning the production, distribution, sale, advertising, and use of tobacco products, including electronic cigarettes.

The current Indonesian regulatory framework also provides a specific legal characterization of electronic cigarettes as part of the tobacco products subject to regulatory control. Rather than relying on the former import regulation under Minister of Trade Regulation No. 86 of 2017, the present analysis refers to the provisions currently in force under Law No. 17 of 2023 concerning Health and Government Regulation No. 28 of 2024. These regulations provide the principal legal basis for examining the circulation, distribution, sale, advertising, and use of electronic cigarettes in Indonesia.

The regulatory position of electronic cigarettes has subsequently developed through the enactment of Government Regulation No. 28 of 2024, which constitutes the current implementing regulation concerning tobacco products and products containing addictive substances. Unlike the previous regulatory framework under Government Regulation No. 109 of 2012, the current framework expressly incorporates electronic cigarettes into the regulatory regime and establishes requirements concerning their production, distribution, sale, advertising, and use. Government Regulation No. 28 of 2024 is therefore central to assessing the current legal framework governing the circulation and use of electronic cigarettes in Indonesia. The regulation also introduces restrictions concerning the provision, sale, purchase, and consumption of electronic cigarettes by or involving persons under 21 years of age. These provisions are particularly relevant to the protection of minors and constitute an important basis for assessing whether the current regulatory framework is sufficiently comprehensive and coherent.

Some people argue that e-cigarettes or vapes do not produce the same smell as conventional cigarettes so they feel that smoking anywhere is not a problem. However, the current regulatory framework under Law No. 17 of 2023 concerning Health and Government Regulation No. 28 of 2024 provides a legal basis for regulating the use of tobacco products and electronic cigarettes in designated areas. The regulation of smoke-free areas is particularly relevant to protecting non-users and vulnerable populations, including minors, from exposure to cigarette smoke and vaping aerosols. Accordingly, the government must ensure that restrictions on the use of electronic cigarettes in designated smoke-free areas are accompanied by effective supervision and enforcement. The absence of the characteristic odor of conventional cigarettes should not be interpreted as the absence of regulatory or public-health concerns associated with vaping.

2. Legal Protection for Minors against the Circulation and Use of Vapes in Indonesia

It is alleged that the ease of obtaining vapes or electronic cigarettes among young people means that young people can easily obtain vapes. However in this case, the General Chair of the Indonesian Personal Vaporizer Association (*Asosiasi Personal Vaporizer Indonesia*/APVI), Aryo Andrianto, said that all associations are obliged to provide education to the public so that the use of alternative tobacco products is targeted, namely only intended for adult smokers. [30]

[30] Iwan Supriyatna and Mohammad Fadil Djailani, "Jual Rokok Elektrik Ke Anak Di Bawah Umur, APVI Bakal Beri Sanksi Tegas," May 10, 2023, https://www.suara.com/bisnis/2023/05/10/104911/jual-rokok-elektrik-ke-anak-di-bawah-umur-apvi-bakal-beri-sanksi-tegas.

Considering that the use of vape is very dangerous for minors. Apart from the ease of obtaining vapes, intensive promotional advertisements on banners on city streets and social media have created curiosity among underage children to try vapes. This cannot be avoided due to environmental influences which are developing quite rapidly.

According to Black's Law Dictionary[31] minor is "an infant or person who is under the age of legal competence. A term derived from civil law, which described a person under a certain age as less than so many years. Also, less; of less consideration; lower; a person of inferior condition." *Kamus Besar Bahasa Indonesia* defines minor as "immature" or "inexperienced". Meanwhile, according to expert opinion, a child is someone who is not yet an adult and is not married, and can be described as a minor.[32]

According to the Indonesian Civil Code or *Burgerlijk Wetboek,* "a person is said to be a child or immature, namely someone who has not reached the age of 21 and has not previously been married." However, for the purpose of child protection, the applicable statutory definition must also be considered. Law No. 23 of 2002 concerning Child Protection, as amended by Law No. 35 of 2014 and Law No. 17 of 2016, defines a child as a person who has not yet reached the age of 18 years, including a child who is still in the womb. Likewise, the Law of the Republic of Indonesia Number 4 of 1979 concerning Child Welfare also regulates that "a child is someone who is not yet 18 years old, including children who are still in the womb."

Thus, the term "minor" in this study needs to be distinguished according to the legal context. Under the Indonesian Civil Code, a person who has not reached the age of 21 and has not previously been married is categorized as immature (*onbekwaam/minderjarig*). Meanwhile, under the Child Protection Law, a child is a person who has not reached the age of 18 years, including a child still in the womb. In the context of the regulation of electronic cigarettes, Government Regulation No. 28 of 2024 establishes a specific restriction on the sale of tobacco products and electronic cigarettes to persons under 21 years of age. Therefore, the age threshold of 21 years is particularly relevant when examining legal protection against access to electronic cigarettes. Psychologically, minors, who are children, are very vulnerable to being influenced by

[31] Black's Law Dictionary, "Minor Definition & Legal Meaning," May 10, 2023, https://thelawdictionary.org/minor/.
[32] Marsaid, *Perlindungan Hukum Anak Pidana Dalam Perspektif Hukum Islam* (Palembang: Noerfikri, 2015), 56.

environmental conditions because minors are still easily influenced.[33] This is because their physical and psychological conditions are in their infancy, so it is not surprising that the environment has a big influence on a child's behavior.[34]

In this case, the legal subject specifically concerns minors, so their rights must be protected in a special regulation, namely the Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection Law. This law has subsequently been amended by Law No. 35 of 2014 and Law No. 17 of 2016. The Child Protection Law provides that child protection is intended to guarantee the fulfillment of children's rights so that they can live, grow, develop, and participate optimally in accordance with human dignity, while receiving protection from violence and discrimination. The Child Protection Law regulates that:

> *"Child protection aims to ensure the fulfillment of children's rights so that they may live, grow, develop, and participate optimally in accordance with human dignity, while receiving protection from violence and discrimination, thereby fostering Indonesian children who are healthy, virtuous, and prosperous."*

The increasing number of minors associated with vapor use is certainly causing concern. Referring also to the fact that children are the future generation of the nation, the condition of minors using vapes is certainly alarming and concerning, given the impact of vaping—or exposure as passive vape smokers—on their growth, development, and health in the future. One of the adages states *ad recte docendum oportet primum inquirere nomina*, *quia rerum cognitio a nominibus rerum dependet* which means that to understand something, you need to know its name first, to get the right knowledge.[35] In the context of this research, however, the relevant legal issue is not the existence of a public health emergency as regulated under the health quarantine regime, but the obligation of the State to establish an adequate legal framework to prevent minors from accessing and being exposed to electronic cigarettes. Accordingly, the legal protection of minors against vape use must be examined through the applicable health, child-protection, and tobacco-control regulations.

[33] Astrid Athina Indradewi, Carissa Amanda Siswanto, and Leonardo Caesar Haryono, "The Responsibilities of Business Actors and The Legal Implications of Minors Purchasing Online Mobile Game Credits," *Ajudikasi : Jurnal Ilmu Hukum* 8, no. 1 (June 2024): 67–78, https://doi.org/10.30656/ajudikasi.v8i1.8523.
[34] Nyoman Krisna Yudha and Anak Agung Sri Utari, "Perlindungan Hukum Terhadap Anak Sebagai Pelaku Tindak Pidana Narkotika," *Kertha Wicara: Journal Ilmu Hukum* 9, no. 2 (2020): 1–15.
[35] Eddy O. S. Hiariej, *Prinsip-Prinsip Hukum Pidana (Edisi Revisi)* (Yogyakarta: Cahaya Atma Pustaka, 2016), 3.

In a sense, a vape is a device that heats the liquid into a lump of aerosol (vapor) to be inhaled into the lungs. This is different from conventional cigarettes which burn tobacco to produce smoke. The liquid in vape products contains various combinations of ingredients, including nicotine (an addictive substance also found in cigarettes), propylene glycol, vegetable glycerin, and flavorings. Many of these substances are claimed to be safe to ingest. But, when heated, the liquid produces new chemicals that may not be safe to inhale.

From this, the State (namely Government) holds the mandate of power. If it is related to the state's goal, namely to protect the entire Indonesian nation and all of Indonesia's blood, then it must be drawn back to the first substance of legal politics, namely legal development which has as its core the creation and updating of legal materials so that they can suit needs. Theoretically, the stage of forming statutory regulations is the stage of policy formulation which is the competence of the former. This stage is often also referred to as the legal formulation stage.[36] The most important aspect of Legislative Regulations is not only related to the regulatory aspects but also the process of their formation.[37] The principles for the formation of Legislative Regulations are expressly recognized in Law No. 12 of 2011 concerning the Formation of Laws and Regulations, as amended by Law No. 15 of 2019. These principles include the principle of clarity of purpose, the principle of the appropriate institution or forming organ, the principle of conformity between the type, hierarchy, and content of the regulation, the principle of feasibility, the principle of usability and effectiveness, the principle of clarity of formulation, and the principle of openness. In the context of vape regulation, these principles are relevant to assessing whether the regulatory framework provides clear, consistent, and appropriate legal protection for minors. The principles for the formation of Legislative Regulations are a guideline or a signpost in the formation of good Legislative Regulations, with several conditions that must be fulfilled so that the formation of Legislative Regulations is not arbitrary, including:

> *"Legislation serves as a means of achieving both the spiritual and material welfare of society and individuals, whether through the preservation of existing conditions or through reform and innovation."*

[36] M. Jeffri Arlinandes Chandra, Febrian Febrian, and Bayu Dwi Anggono, "The Urgency of Reharmonization in Construction of The Stage Formation of Law," *Jurnal Penelitian Hukum De Jure* 22, no. 3 (September 2022): 311, https://doi.org/10.30641/dejure.2022.V22.311-324.
[37] Tutut Ferdiana Mahita Paksi, "Analysis of the Formation of Laws and Regulations in the Indonesian Legislation Hierarchy," *Ekspose: Jurnal Penelitian Hukum Dan Pendidikan* 21, no. 2 (December 2022): 1451–59, https://doi.org/10.30863/ekspose.v21i2.3439.

This means that, so that the makers of Legislative Regulations are not arbitrary or so that the Legislative Regulations do not become a dead letter, certain conditions need to be met, namely: openness in the process of making Legislative Regulations; and giving rights to community members to submit certain proposals.[38] These requirements are particularly relevant where the regulation concerns products that may affect public health and vulnerable groups. In this context, the regulation of electronic cigarettes should not only establish restrictions on business actors but also provide a sufficiently clear and coherent framework for preventing minors from obtaining and using such products.

The belief that using e-cigarettes is a human right reflects a misunderstanding of the fundamental nature of human rights and their legal and ethical foundations. [39] Human rights, as established in international covenants such as the Civil and Political Rights Covenant and the Economic, Social and Cultural Rights Covenant, define the relationship between individuals and the government, where the state is obligated to provide protection, respect, and fulfillment of rights. These rights encompass civil, political, economic, social, and cultural dimensions, but do not establish an autonomous human right to use e-cigarettes or other nicotine products. Accordingly, the use of e-cigarettes should not be characterized as a human right in itself, although its regulation may intersect with broader rights relating to individual autonomy and privacy. The State may therefore regulate e-cigarette use, particularly where such regulation is directed toward the protection of public health and the rights of others, including children.

From a legal perspective, this distinction is crucial because the government has a mandate to balance individual freedoms with the protection of the broader public, including safeguarding public health and ensuring a healthy environment. Ethical considerations also demand that individuals' choices, such as vaping, should not infringe on the rights and well-being of others.[40] This entails recognizing the potential harms caused by secondhand aerosol exposure and addiction risks, particularly to vulnerable groups like children and women. The current Indonesian regulatory framework, particularly Law No. 17 of 2023 concerning Health and Government Regulation No. 28 of 2024, reflects this balance by imposing controls on the production, distribution, sale, advertising, and use of electronic cigarettes, including restrictions

[38] Asri Agustiwi, "Problems For The Development Of Legislation Regulations In Indonesia," *International Journal of Social Science* 2, no. 2 (August 2022): 1491–96, https://doi.org/10.53625/ijss.v2i2.3081.
[39] Marie Elske C. Gispen and Jacquelyn D. Veraldi, "A Human Rights Approach to the Regulation of Electronic Cigarettes," in *The Regulation of E-Cigarettes*, ed. Lukasz Gruszczynski (Edward Elgar Publishing, 2019), https://doi.org/10.4337/9781788970464.00014.
[40] Frank J. Cavico, Bahaudin G. Mujtaba, and Marissa Samuel, "E-Cigarettes: An Unfolding Legal, Ethical, and Practical Quandary," *Journal of Psychology* 2, no. 2 (2014): 01–44.

concerning persons under 21 years of age. BPOM Regulation No. 18 of 2025 further provides regulatory provisions concerning the supervision of tobacco products and electronic cigarettes. Hence, the state's duty extends beyond acknowledging personal options to actively regulating and limiting these options to prevent greater societal harm, aligning legal frameworks with ethical responsibilities toward public health

The tug-of-war between public health and economic interests. Protecting public health from the dangers of vaping is often faced with industrial protection. A national legal system that is weak in controlling the distribution of vapes encourages the level of vape consumption to continue to increase and there is no protection for children and women from the dangers of smoke. The development of the current regulatory framework demonstrates that the State has recognized the need to balance economic activities involving electronic cigarettes with the protection of public health. The government as a whole therefore has a responsibility to ensure that economic interests in the circulation of vape products do not undermine the protection of vulnerable groups, particularly minors.[41] Even though theoretically, the dangers of vaping have become common knowledge and have been sufficiently socialized in various circles, in reality the problems caused by vaping do not stop here. The struggle regarding control efforts as a form of fulfilment and protection by the state of the right to health of its citizens.

A comparison with Singapore demonstrates a different regulatory approach to the circulation and use of electronic cigarettes. Singapore adopts a prohibition-based approach under the Tobacco and Vaporisers Control Act 1993 (TVCA), formerly known as the Tobacco (Control of Advertisements and Sale) Act 1993.[42] Under this framework, vaporisers are prohibited products, and the prohibition extends beyond their sale to include their importation, distribution, purchase, possession, and use.[43] Since 1 May 2026, the renamed TVCA has consolidated and strengthened the regulatory and enforcement framework concerning vaporisers.[44]

[41] Muhammad Alfarizhi, "Perdebatan Hukum Terhadap Vape Di Mata Dunia," Articles, *Bureaucracy Journal : Indonesia Journal of Law and Social-Political Governance* 3, no. 3 (July 2023): 2431–36, https://doi.org/10.53363/bureau.v3i3.331.
[42] "What Is Tobacco and Vaporisers Control Act?," *A Singapore Goverment Agency Website*, March 11, 2026, https://www.gov.sg/explainers/what-is-the-tobacco-and-vaporisers-control-act/.
[43] "Press Releases: Tobacco (Control of Advertisements and Sale) (Amendment) and Other Matters Bill to Strengthen Enforcement against Vaping and Etomidate Abuse," *A Singapore Goverment Agency Website*, March 6, 2026, https://www.moh.gov.sg/newsroom/tobacco--control-of-advertisements-and-sale---amendment--and-other-matters-bill-to-strengthen-enforcement-against-vaping-and-etomidate-abuse/.
[44] "What Is Tobacco and Vaporisers Control Act?"

The Singaporean approach is significant from the perspective of child protection because enforcement extends beyond age-based restrictions on sellers to the broader control of the availability and circulation of vaporisers. This approach is reflected in the scale of enforcement undertaken by the authorities. Between 1 January and 31 March 2026, 2,589 persons were caught and penalised for possession and use of vaporisers, while more than 36,000 vaporisers and related components were seized and 24 smuggling cases were uncovered.[45] Enforcement also targeted the supply chain, with 13 vaporiser sellers and 11 smugglers prosecuted.[46] These measures demonstrate that Singapore seeks not only to penalise individual possession and use but also to disrupt the channels through which vaporisers enter and circulate in the market. This supply-side approach is particularly relevant to child protection, as reducing the availability and circulation of prohibited vaporisers may also reduce the opportunities for minors to obtain them. Consistent with this approach, the Health Sciences Authority (HSA) actively monitors physical and online channels, including online retail sites, social media platforms, and messaging applications, to identify and remove prohibited vaporiser listings.[47] Promotion of vaporisers, including through social media, is likewise subject to enforcement.

This approach indicates that legal protection for minors may be strengthened by regulating not only the conduct of minors as users but also the entire chain through which electronic cigarettes become accessible to them. In other words, protection is placed at the level of product availability, circulation, promotion, and use. This differs from a regulatory model that primarily permits the circulation of electronic cigarettes while imposing restrictions concerning age, sales locations, advertising, and consumer information.

Singapore has also developed an enforcement framework that combines prohibition with education and rehabilitation.[48] Since September 2025, persons found possessing, using, or purchasing vaporisers may face enhanced penalties, while repeat offenders may be subjected to rehabilitation measures.[49] The strengthened framework therefore demonstrates that protection

[45] "Press Releases: Over 2,500 Caught Vaping in First 3 Months of 2026," *HSA*, May 4, 2026, https://www.hsa.gov.sg/announcements/over-2-500-caught-vaping-in-first-3-months-of-2026/.
[46] Ibid.
[47] Ibid.
[48] "Press Releases: More than 3,500 Persons Caught for Possession and Use of E-Vaporisers Since 1 September 2025; 8 Persons Have Completed Rehabilitation," *HSA*, January 29, 2026, https://www.hsa.gov.sg/announcements/more-than-3-500-persons-caught-for-possession-and-use-of-e-vaporisers-since-1-september-2025--8-persons-have-completed-rehabilitation/.
[49] Ibid.

against vaping does not necessarily depend exclusively on criminal or administrative punishment, but may also involve preventive education and rehabilitation, particularly where the objective is to reduce repeated use.

The Singaporean regulatory approach therefore provides an important comparative consideration for Indonesia. The purpose of the comparison is not to suggest that Indonesia should simply adopt a complete prohibition of electronic cigarettes, but to identify the regulatory elements that may strengthen the protection of minors. In particular, the Singaporean model demonstrates the importance of regulating the circulation and accessibility of electronic cigarettes at multiple points, including importation, distribution, sale, promotion, possession, and use, while combining regulatory enforcement with education and rehabilitation. These elements may serve as comparative considerations in assessing whether the existing Indonesian framework provides sufficiently comprehensive and coherent protection for minors.

Even though the threat of disease caused by vaping is known to the general public and even policy makers, protection to the public cannot be provided optimally. Indonesia has established a more specific legal framework through Law No. 17 of 2023 concerning Health and Government Regulation No. 28 of 2024, including restrictions on the sale of electronic cigarettes to persons under 21 years of age, restrictions concerning sales locations, and provisions relating to the circulation and advertising of tobacco products and electronic cigarettes. Local or national level legal instruments are the basis for controlling cigarette and vape consumption as mentioned in various laws starting from the 1945 Constitution, the Human Rights Protection Law, the Health Law, and the Child Protection Law. These legal instruments are further implemented through Government Regulation No. 28 of 2024 and other relevant implementing regulations, including BPOM Regulation No. 18 of 2025. Accordingly, the legal issue is no longer merely the absence of regulation, but whether the existing national and local legal instruments are sufficiently coherent and comprehensive to control the circulation and use of electronic cigarettes and provide adequate protection for minors. National and local regulations are considered very weak due to the still high levels of cigarette and vape consumption and the lower smoking initiation age. Therefore, the existence of regulations must be accompanied by a coherent regulatory framework and adequate protection mechanisms to prevent minors from accessing and being exposed to electronic cigarettes

D. Conclusion

The absence of a comprehensive and integrated legislative framework governing smoke-free and vape-free areas, as well as restrictions on cigarette and vape consumption, reveals gaps in the existing legal framework for protecting citizens from the dangers of tobacco smoke and vape aerosol. The existing legal framework derives from the 1945 Constitution of the Republic of Indonesia and various sectoral laws, including legislation concerning human rights, health, and child protection. These provisions are further implemented through national and regional regulations, including Government Regulations, Joint Ministerial Regulations, and regulations issued by local governments, such as mayors and governors.

From a normative legal perspective, the existence of these various regulations demonstrates the State's commitment to protecting public health and upholding citizens' right to a healthy environment. However, the existing framework does not yet provide a unified, specific, and detailed legal instrument governing smoke-free and vape-free areas across different levels of government. Furthermore, the decreasing age of initiation into smoking and vaping, as reflected in various studies and regulatory concerns, requires further legal refinement concerning age restrictions, the responsibilities of relevant parties, and enforcement mechanisms. The multiplicity and decentralization of regulatory instruments may also create challenges in ensuring consistent and harmonized implementation. The comparative analysis further indicates that the protection of minors from vaping activities requires a regulatory model that does not rely solely on age-based restrictions at the point of sale, but combines restrictions on access, availability, circulation, promotion, and use of vape products. The Singaporean approach illustrates the importance of strengthening supply-side controls through the monitoring and removal of prohibited vape listings, enforcement against promotion and online distribution, and action against sellers and smugglers, thereby reducing the channels through which minors may obtain vaporisers. For Indonesia, such an approach may serve as a reference for developing a more integrated regulatory framework that combines age restrictions with controls over the availability and circulation of vape products, particularly through physical and digital channels, while strengthening the responsibilities of sellers, platforms, and other relevant actors. Therefore, continued legal reform and harmonization are necessary to establish a clearer, more focused, and integrated regulatory framework that is

consistent with constitutional mandates and Indonesia's international obligations concerning public health and human rights protection.

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