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EXEMPTION OF NICOTINE LIQUID FROM THE POISON ACT 1952: CONSIDERATIONS FROM THE POINT OF VIEW OF MASLAHAH AND MAFSADAH

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ABSTRACT

In Malaysia, the majority of vape and cigarette users of young people between the ages of 13 and 18. Despite the harm, the government have decided to remove nicotine-containing products either liquid or gel from the Poison Act of 1952. This has sparked debates among the public, policymakers, politicians, and experts about the law's impact on the next generation as this will allow all products containing nicotine can be legally sold to children of any age. Therefore, this study investigates the nature of nicotine, the position of nicotine under the Poisons Act of 1952, as well as the mafsadah and maslahah considerations of the exemption. This study employs qualitative methodologies and a library-based strategy by collecting data from books, journals, articles, newspapers, and others. In conclusion, our government policies must prioritize maslahah ‘ammah above maslahah khasah and introduce the Generation End Game (GEG) policy sooner to control the consumption of nicotine among young generation.

Keywords: *Nicotine, Poison Act of 1952 maslahah, mafsadah, young generation.*

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Introduction

In Malaysia, the trend of using electronic cigarettes and vaping is increasing, which is a prevalence of 4.9 percent, equivalent to 1.13 million users among adults. While the trends in the use of nicotine products among teenagers are, based on the NHMS Survey 2022 reports that while cigarette smoking rates among Malaysian teenagers aged 13 to 17 decreased from 13.8% to 6.2%, e-cigarette and vape use increased from 9.8% in 2017 to 14.9% in 2022. Male teens vape at a rate of 23.3% and female teens at 6.2% (Code Blue, 2023).

The number of teenagers involving young people aged 13 to 17 years old based on a health survey shows an increase in the use of electronic smoking devices from 211,084 people in 2017 to 301,109 people in 2022. This number does not include the use of conventional cigarettes involving this group of teenagers which is a total of 186,817 people in the year 2022. Whereas the estimated number of deaths every year in this country due to smoking habits every year is 27,200 deaths. The data shared is a real scenario that demands concern and joint action from all parties, especially the government, parents and close acquaintances. This is because the increase in the use of nicotine products among teenagers will increase the use of these nicotine products in adulthood. This matter is very troubling to all parties because it is this group that will lead the country in the future (Metro, 2023).

In April 2023, the government has removed nicotine from the Poison Act 1952 because the government wants to impose excise duty on the vape and electronic cigarette lobbyists. This issue has sparked discussions among the public, lawmakers, and the health department. They believe that the government's actions are more motivated by its financial interests than by the welfare of the populace. This is because nicotine products will become easily accessible for Malaysians in the market because of this exemption. This is a very concerning issue that will lead to a rise in teen usage of nicotine products, especially among the youth. Therefore, this research relevant to address the issue regarding the consideration viewpoint of *maslahah* and *mafsadah* of the exemption of nicotine. In addition, this study will also examine and identify the government's actions in protecting the young generation in Malaysia by enforcing laws to control the use of these nicotine products among them.

Nature of Nicotine

Tobacco products, including electronic cigarettes and vape, can become addictive. Most smokers smoke daily due to nicotine addiction. In addition, most smokers struggle to stop using tobacco due to their nicotine addiction. Nicotine addiction develops during the first few years of cigarette smoking. This pattern of nicotine addiction is the same as addiction to Cocaine and Morphine. Nicotine also produces a chemical called dopamine, which is closely related to the emotional center in the brain.

In the initial stage, the smoker experiences excitement due to nicotine's action on the brain's pleasure center, but the situation is later followed by depression. Then, eventually, nicotine and other substances in nicotine products come to control behavior to an extent considered detrimental to the individual or to society (Edwards, 1982). In addition, nicotine increases mental sensitivity. For someone who smokes, it only takes 10 seconds for nicotine levels to reach the brain which is the cause of addiction. Smokers claim that this leads to an increase in mental acuity. Thus, they carry out the same action again. They eventually need to smoke more to get the same effect. This addiction from nicotine causes a young person who starts smoking early in life will smoke more cigarettes as an adult (Chassin, 1990).

Nicotine is a substance that is extremely addicting and hazardous. It may result in elevated blood pressure, heart rate, heart attack, blood flow to the heart, and arterial constriction (vessels that carry blood). A heart attack may result from the hardening of the artery walls, which is another effect of nicotine. It can take up to eight hours for this chemical to remain in your body, depending on how frequently you smoke. Furthermore, some modern tobacco products and e-cigarettes contain even more nicotine than traditional cigarettes (American Heart Association, 2015).

Next, this nicotine substance forces the heart to work harder. Therefore, it means that the need for oxygen increases even at rest. When stress occurs, the need for oxygen increases and may not be able to be supplied to the heart muscles. Then, this can result in the heart failing to function perfectly, which can cause atherosclerosis, myocardial ischemia, arrhythmia and sudden death. In addition, Nicotine is

considered the most dangerous poison in today's discoveries, because 1 milligram injected through the bloodstream can kill a person (Rasul Dahri, 1997).

Furthermore, when humans directly consume nicotine, they experience burning and irritation in their mouths and throats, increased salivation, vomiting, nausea, diarrhea, and abdominal pain (Smith EW, 1992). When a smoker uses nicotine product excessively, it can cause symptoms like vomiting, sweating, cold sweats, headaches, blurred vision and hearing, mental instability, and a lifeless, drowsy feeling in the body. It can be lethal in severe cases. Therefore, this nicotine substance brings pain to humans, even other cigarette and vape substances such as tar, phenols, and carcinogens are substances that cause pain to smokers with a variety of illnesses.

Types of Consumption

1) Cigarettes

Cigarettes are made from tobacco which is from a plant called *Nicotiana Tabacum*. The leaves are picked from the farm and brought to the factory for processing. Tobacco leaves will be dried and preserved in the factory. Tobacco goods, like cigarettes, are usually made of tobacco that has been dried and then wrapped in tobacco paper. A cigarette's tobacco burns, creating smoke that the smoker inhales. These conventional cigarettes include nicotine along with a host of other dangerous ingredients that can lead to major health issues like cancer, heart disease, and lung illness.

There are various kinds of cigarettes that people use. Roll cigarettes, cigars, crackers, white cigarettes, and others. White cigarettes are popular and well-known worldwide (Tantri, 2021). White cigarettes refer to the category of premium cigarettes that are often produced using high-quality tobacco. The term "white" in cigarettes mostly comes from the color of the packaging which is usually dominated by white or cream. White cigarettes are often considered premium cigarettes because the manufacturing process tends to be more exclusive and uses ingredients that are higher quality.

In addition, kretek cigarettes are specially created cigarettes from Indonesia. Kretek cigarettes contain quite a high amount of nicotine and tar when compared to other cigarette products, which are up to 40 mg of tar and 60 mg of nicotine. The government's lax restrictions restricting the quantity of tar and nicotine in cigarettes contribute to the 57,000 fatalities annually from tobacco use (Kusuma Ali, 2009). Because of its high nicotine concentration, kretek cigarettes are not allowed to be promoted in Malaysia. Besides that, is Cigars. A cigar is a product made from a certain type of tobacco shaped like a cigarette with an outer cover in the shape of a tobacco leaf and the contents are a combination of tobacco pieces without the addition of other ingredients (Tantri, 2021)

Certain cigarettes feature a cork at the end that serves as a filter, while others do not (Aila Haris, 2012). A filter is a cork that is placed at the end of a cigarette to help lessen the amount of toxic chemicals that are inhaled when smoking. Tar and nicotine are filtered out by the synthetic fiber foam used to make this cigarette filter. (Abdelrahman, 2015)

2) Vape and Electronic Cigarettes

Since their introduction to the market over ten years ago, electronic nicotine dispensing systems also referred to as electronic cigarettes or e-cigarettes, have gained widespread acceptance as a less dangerous option to traditional cigarettes. Electronic cigarettes are devices that are primarily composed of a cartridge that contains e-liquid, an atomizer or heating element that heats the e-liquid to produce a vapor that may be breathed through a mouthpiece, and a rechargeable battery (Hiemstra, 2016) (Becquemin MH, 2013). Different e-liquids and electronic devices are readily accessible in stores and online.

The e-liquid usually comprises flavourings and humectants, either with or without nicotine; when the atomizer heats the mixture, the aerosol (vapor) simulates tobacco smoke while ostensibly having no negative effects (Tarran R, 2015). On the other hand, it has been shown that heating might produce new, potentially dangerous breakdown chemicals (Myers C, 2015) (Henkler F, 2014). The main addictive ingredient in tobacco, nicotine, can also vary in concentration amongst the commercially available e-liquids; nicotine-free versions are also offered at market.

3) Nicotine Replacement Therapy (NRT)

Nicotine Replacement Therapy (NRT) is one of the treatments to stop smoking. By stopping smoking, the risk of getting smoking-related diseases can be reduced. Consequently, this will lessen the negative impact that smoking and vaping products have on patients and may lower the hospital treatment costs associated with these individuals. NRT works by delivering nicotine alone without the other chemicals commonly found in cigarette smoke in low doses to the brain as a replacement for nicotine from cigarettes. This strategy aims to reduce the sensation of nicotine addiction that may arise when quitting smoking (Fant RV, 2021).

There are several kinds of NRT products, including tablets, nasal spray, gum, transdermal patches, and oral inhalers. A slow-release, sustained-release method of delivering nicotine is the transdermal patch. Other nicotine products with acute dosages include tablets, gum, nasal spray, and oral inhalers. With an instant nicotine release, they offer both breakthrough and overall craving alleviation (Fagerstrom KO, 1994). While the effectiveness of each of these drugs varies and so do their rates of nicotine absorption, they are all effective even in the absence of supplemental behavioral therapy. They work best when used in conjunction with concurrent cessation counselling.

Among the NRT available on the market are nicotine gum and nicotine patches. Nicotine gum has a faster rate of nicotine delivery to the brain than patches, but not as fast as smoking. Therefore, nicotine patches will usually be used together with other NRT products. With the availability of NRT products with these different characteristics, medical practitioners such as doctors and pharmacists can make the best choice for smokers based on their needs in terms of daily activities, smoking habits and levels of nicotine dependence. All of these NRT products are effective if taken the right way.

Guidelines in using nicotine patches. In the Malaysian market, there are two types of Nicotine Patch namely:

- i. 15mg/16h, 10mg/16h, 5mg/16h
- ii. 21mg/24h, 14mg/24h, 7mg/24h

The guide in using this patch is One patch 15mg/16hours or 21mg/24hours a day for the first 4 weeks, followed by one patch 10mg/16hours or 14mg/24hours a day for 2 weeks and one patch 5mg/16hours or 7mg/24hours a day for 2 weeks next (My Health, 2014).

Next, the guidelines for using NRT in the form of gum is that Gum containing 2mg of nicotine is recommended for patients who smoke less than 25 sticks per day, while Gum that contains 4mg of nicotine is recommended for patients who smoke 25 sticks or more per day. The way to use this gum is to chew a piece of gum every 1 to 2 hours for the first 6 weeks, followed by a piece of gum every 2 to 4 hours for 3 weeks and a piece of gum every 4 to 8 hours for the next 3 weeks.

History of Tobacco

According to research, the history of cigarettes was first discovered in 1492 on the American continent by Christopher Columbus along with his crew. By the time Columbus landed in San Salvador in 1492, tobacco had spread over the other islands and the continent, and the leaves were traded for goods. This is because, at that time Christopher Columbus and his crew found cigarettes among the natives in the country of Tobago, which is located in the Gulf of Mexico where the natives (Red Indians) (Muhammad Amin, 1995) had chewed tobacco and smoked cigarettes. This causes them to have tried it. Eventually they brought this habit back to Europe.

Some argue that cigarettes were discovered even earlier than Christopher Columbus ('Abdul Wahhab, 1986). By the year 1497 AD, cigarettes entered Europe and became famous in that year as claimed by Ramon Pane. In the 1500s, the practice of smoking tobacco spread. When tobacco was at ports by Spanish, Portuguese, and then English sailors.

Some claim that a French adventurer; Named Jean Nikot during his travels to Portugal, he found tobacco and planted it in his garden because of the beauty of the leaves and the fragrance of the flowers. Following that, in the year 1559 AD, the name Nicotine was created from the leaves in conjunction with his name (Gately I, 2002). Since then, the tobacco plant has proliferated across Europe due to its reputation as a health remedy for a number of ailments. This has aided in the smoking habit's rapid social expansion (Al-Jahhas, 1986).

According to Muhammad Amin "Uthman's view, in 1560 AD, nicotine brought by French travelers was found to have a high level of chemicals derived from tobacco. Then this tobacco was presented to the king of France (Queen Catherine De Masis). Thus, tobacco spread significantly throughout Europe in the 16th century after being well-known there at the end of the 15th century. It was discovered that the use of cigarettes had spread quickly across Europe by the end of the sixteenth century (Muhammad Amin, 1995). Smoking is regarded as medication, particularly when it comes to treating colds.

John Rolfe started growing tobacco in Jamestown, the first prosperous English settlement in what is now the United States, in 1612. Pocahontas, the daughter of a Native American chief, and within a few of years he was married with Pocahontas. Their union was later idealized in American folklore. Tobacco quickly rose to prominence as the main cash crop and even a form of currency in the colonies and early United States. James Bonsack created the cigarette rolling machine in 1880, which led to the widespread use of commercial cigarettes. Cigars and cigarettes were sold in billions each year at the turn of the 20th century (John A. Dani, 2011).

Legal Status of Nicotine Under Poison Act 1952

Before the Government removed nicotine poison in the form of gels and liquids from the Poison Act 1952, these nicotine substances were Group C poisons, and these substances were controlled under List 1 of the Poison Act 1952 [Act 366]. Only licensed pharmacists and registered medical practitioners are allowed to sell products containing nicotine for medical treatment purposes such as Nicotine Replacement Therapy for smokers who want to quit smoking (Bernama, 2019). Apart from the medical side, it is an offense to sell this nicotine product if you do not have a license. Next, if this substance is listed in the Poison Act 1952, the Government cannot impose excise duty on the tobacco industry.

The government proposed to levy an excise duty on liquid or gel items containing nicotine used for vaping and electronic cigarettes during the Budget 2023 announcement on February 24, 2023. By taking this action, the government can support initiatives to prevent vaping while also imposing an excise duty on the vape business estimated valued at over RM2 billion. (Ministry of Finance, 2023) Following this, the Ministry of Health Malaysia (KKM) has taken action to exclude liquids or gels containing nicotine from the List of Poisons under the Poison Act 1952 through the gazette of the Poison Order (Amendment to the List of Poisons) 2023. In parallel with this exemption, the Ministry of Finance will implement the imposition of excise duty on liquid or gel products containing nicotine used for electronic cigarettes and vaping.

The government removed nicotine from List 1 of the Poison Act because, with this exemption, the government can impose an excise duty on the vape industry and at the same time can generate government finance (Bernama, 2023). The government also promised in the announcement of Budget 2023, half of the revenue from this excise duty will be reallocated to the Ministry of Health Malaysia to improve the quality of health services.

In effect, vapes and electronic cigarettes will be able to be openly and lawfully supplied to everyone especially young generations of all ages because there is no longer a subject to control substance which is this nicotine under the Poison Act 1952 (Harian Metro, 2023). This exemption was before The Smoking Product Control Bill for Public Health 2023 was passed. During this period, this young generation including children and adolescents had unrestricted access and legally to have vape devices that contained nicotine, which could result in the emergence of a new generation of addicts.

Besides that, the exemption of nicotine from the Poison Act 1952 was important for the vape industry because this substance will affect addiction to the smoker, then they will consume nicotine products many times. The effect of this decision on the vape industry lobbyists is they gain billions of ringgit because there is no restriction by the government, even the excise duty rate imposed by the government

is very small which is RM0.40 per millilitre. If the government wants to discourage people from using vape, then the excise duty rate must be higher (Astro Awani, 2023).

Additionally, the Malaysian Ministry of Health introduced a new bill that will control all nicotine products and these products are used to smoke last November 2023. The Smoking Products Control Bill for Public Health 2023 formerly known as the Tobacco Products and Smoking Control Bill 2022, aims to control the sale and purchase of tobacco products, smoking materials, tobacco substitute products, and smoking devices, for the sake of the health public to give birth to a new generation free of smoking (Berita Harian, 2023).

The Smoking Product Control Bill for Public Health 2023 introduced a new policy for the young generation, which is a Minor policy. This policy prohibits the young generation under 18 years old from selling and smoking. These persons are not allowed to purchase, smoke, or have any smoking goods in their possession, including electronic cigarettes. The ban under this act will involve the minor generation and sellers who sell cigarettes to them. This policy was formerly known as Generation End Game (GEG). This GEG prohibits the sale of nicotine products, buying, or use of nicotine products to any person who was born on 1 January 2007 and after. This prohibition affects all the time, even though members of this generation are older than 18 years old (Harian Metro, 2022). However, this GEG policy was removed from this bill and replaced by minor policy. As a result, this generation can use nicotine products after the age of 18.

The GEG policy introduced by the former Minister of Health is a ban on selling or buying for the generation from 1 January 2007, onwards. This GEG was dropped on the advice of the Attorney General, Datuk Ahmad Terrirudin Mohd Salleh on 18 November 2023. This is because the provision under the bill conflicts with Article 8 of the Federal Constitution since it creates unequal legal treatment between a person born before 1 January 2007 and an individual born on and after the same date. Thus, the Government presented a Smoking Product Control Bill for Public Health 2023 without a GEG policy and changed to a Minors policy (OBD) under 18 years of age (Berita Harian, 2023).

Opinions Among Pharmacists, Scientists, Medical Experts, And Politicians

1) Pharmacists

The Malaysian Pharmacy Council (MPS) is vehemently opposed to the government's proposal to remove nicotine gel or liquid from the Poison Act 1952's regulation of poison control because it will jeopardize efforts to safeguard public health and safety. This is because nicotine itself is harmful to people and causes addiction. Controlling this addiction is necessary, just as controlling other poisonous substances is. This exception will also affect the rise in vaping and e-cigarette use. Furthermore, MPS calls on the government to impose restrictions on the promotion and advertising of cigarette and vape goods as well as to raise public awareness of the risks associated with this nicotine poison (Bernama, 2023).

2) Scientists and Medical Experts

From Bangi's statement, whose members are primarily scientists and medical professionals, have made multiple recommendations to the government, particularly to the prime minister. Among them is that the government must make an immediate review of the Government's decision to remove nicotine from the Poison Act 1952 until the Smoking Product Control Bill for Public Health 2023 is passed. This is so that the use of nicotine products can be controlled by law so that this use is not widespread, especially among children and teenagers (Deklarasi Bangi, 2023).

Furthermore, a minimum effective tax rate must be set by the government for the cigarette sector as well as for other tobacco goods, including cigarettes. The tax recommended by the World Health Organization (WHO) is 65%. Next, the Government must set marketing controls on all electronic cigarette liquids as well as tobacco and cigarette products set pricing and set the maximum nicotine concentration rate allowed to be on the market based on the amount of nicotine (mg/ml). This is because excessive amounts of nicotine will harm the health of the electronic cigarette user. Therefore, the Government must ensure the country's commitment to achieve the 'Tobacco Endgame' target as

recommended by the WHO, which is that by 2040, the prevalence of smokers is less than 5% (Deklarasi Bangi, 2023). This matter has been proposed by the former Minister of Health Khairy is Generation Endgame (GEG), the generation that quit smoking start the generation born on January 1, 2007, and above, this generation is prohibited from using, buying and selling this nicotine product.

The President of the *Persatuan Pakar Perubatan Kesihatan Awam Malaysia* (PPPKAM) and the Malaysian Pharmacy Society (MPS) urged the Government to re-list nicotine poison liquid into the Poison Act 1952. This is because, the bill that will be presented, whether approved or no, this still takes a long time. PPKAM and MPS do not want the young generation to become victims of the misuse of this nicotine substance which should be controlled through law enforcement powers, considering that this liquid has been delisted from the Poison Act 1952. This is because with the removal of nicotine from this Poison Act 1952 allows anyone including children and minors to freely buy vape products and electronic cigarettes (Berita Harian, 2023).

3) Politicians

Politicians who disagree with the government's decision to remove nicotine from the Poison Act 1952 have been vocal about their views. Among them is the former Health Minister, Khairy Jamaluddin, who stated that the government's revenue from taxing the vape sector is less than the expense of treating people who become ill from using nicotine products, such as cigarettes and vapes. He stated that the government spends RM6 billion annually on treating those who have heart disease and cancer, two conditions brought on by smoking. In actuality, the taxpayer bears the majority of the expense of this treatment (Berita Harian, 2023).

However, the Government only estimated in the budget presentation as much as RM2 billion because of this tax collection. So, the cost of treating patients due to smoking is higher than the revenue from tax collection in the sale of tobacco products. He hopes that the Government will continue to prohibit the use of these cigarette products just as the Government prohibits its citizens from taking drugs by enforcing the law and he also hopes that the parliamentarians support this effort because there is no reason for us to support this good because this nicotine product clearly brings bad for humans (Berita Harian, 2023).

According to W.H.O., the number of deaths caused by tobacco is 8 million a year worldwide. Up to 27,000 persons in Malaysia pass away as a result of this tobacco product each year. Lung cancer, chronic lung diseases, and heart problems are the primary causes of death. Teenagers' usage of vapes has increased since the release of electronic cigarettes, or vapes, on the market in 2015. On March 31, 2023, the Government excluded nicotine gel/liquid from the list of poisons to impose excise duty on the tobacco industry. This Government action will create a gap in the law to control the widespread use of cigarettes and vaping. Therefore, the work of presenting the Smoking Control Bill for Public Health in 2023 to be able to fill this gap. The bill provides for a ban on selling and buying tobacco products, smoking materials tobacco substitute products or providing any service for smoking to Minors (OBD) are the group under the age of 18, previously known as the Generation End Game (GEG).

YB Tuan Hassan Abdul Karim who represents the Pasir Gudang area expressed his disappointment to the Government for dropping the GEG provision from the bill that was presented because he expected the GEG to be presented in the parliament. He said that the Government seems to have lost to the tobacco industry lobbyists. Future generations need to be saved from this tobacco product, because of the effects of this product, the Government incurs high costs to treat patients and the number of sick Malaysians increases and some of them die. Malaysians expect this GEG to be approved, because children born on January 1, 2007, and beyond cannot smoke, even selling and owning it is also an offense. However, the Government seems to care about the tobacco business rather than protecting the next generation from this nicotine product (YB Hassan, 2023).

He further said that the reason given by the Government for dropping the provision of GEG is because this provision conflicts with Article 8 of the Federal Constitution. He said again, the attorney general is only an advisor to the government. The people who make laws are members of parliament. 222 MPs have a wide range of Education and Skills backgrounds to debate this matter. If this GEG matter

conflicts with the constitution, the other party who disagrees with this GEG can take this matter to court, and the judge will make the decision. If we lose in court, that is what is called a democratic country. If this GEG is dropped immediately without the discussion of parliamentarians, it is better not to have a parliament. Our country is a democratic country, the Government needs to give space to members of parliament so that this matter can be discussed, and we are like losing to the tobacco industry.

The Viewpoint of *Maslahah*, *Mafsadah* and Considerations between Them

The Viewpoint of Maslahah

Al-Munjid fi al-Lughah wa al-.,Alam's author defines *maslahah* as an issue of that awakening goodness, that is, human actions that can bring benefits to themselves and their community (Ma'luf, 2000) According to Imam al-Ghazali In explaining the meaning of *al-maslahah* in terms of terminology, he stated that *al-maslahah* is basically something that produce benefits or avoids harm and at the same time can preserve the purpose of *syarak*. Therefore, it can be understood that what is meant by *maslahah* is reaping benefits and rejecting harm in the context of preserving the purpose of *syarak*, which covers five things, namely preserving religion, soul, intellect, lineage, and property (Alias et al., 2024). The term for these is *al-daruriyyah al-khamsah* (Al-Ghazālī, 1993).

Al-Ghazali therefore states that *maslahah* must be following Islamic law and even contrary with human's need. This is due to the fact that it is not founded on the will of *syariah* or the welfare of people; rather, it frequently relies on the mind's limitations and occasionally lustful desire. Consequently, a human need that is in opposition to *syara'* is referred to as *al-mafsadah* rather than *al-maslahah*. Regarding this, he declared: "Everything that contains the purpose of preserving these five *syarak* is *al-maslahah* and everything that ignores this purpose is *al-mafsadah*" (Al-Ghazālī, 1993).

Al-maslahah is defined as "something beneficial determined by the Creator for the benefit of His servants, both their descendants and their property, in accordance with the specific order found in the preservation category," in the words of Sa'id Ramadan al-Buti. (Muhammad Said Ramadan, 1967).

This definition is in line with the definition presented by al-Ghazali with an emphasis on the intended sequence of the five things mentioned first. Based on these definitions, it can be concluded that there are similarities perception between one another, namely:

- i. *Al-Maslahah* in terms of terminology must be within the scope of the purpose of *syariah*, it cannot be based on lustful desires. In other words, they associate *al-maslahah* with the purpose of *syara'*.
- ii. That *al-maslahah* should contain two important elements, namely reaping benefits and avoiding harm.

In the debate on *maqasid sharia*, *maslahah* is divided into three, among which is *maslahah* certified by *sharia*. *Maslahah* that is recognized by this *syarak* is divided into three categories, namely *maslahah daruriyyah*, *maslahah hajiyyah* and *maslahah tahsiniyyah* (Al-Syatibi, 1975). In the research of scholars and jurists, it has been proven that Allah SWT organizes His law according to the order of human welfare.

Maslahah Daruriyyah

This *maslahah* refers to preserving basic human needs both in this world and in the hereafter. If these basic needs are neglected, it will lead to defects in the life system in this world and loss of blessings in the afterlife (Jalal al-Din, 1992). For example in the requirement to take care of property. Islam teaches us how to maintain property is by working to earn sustenance and Islam also prescribes it *muamalat* such as buying and selling and so on. While controlling property by preventing it from being damaged and wasteful in addition to mandating the punishment of hand amputation for thieves (Al-Asyqar, 2005) if this problem is not properly maintained then it will lead to the lameness of human life.

Maslahah Hajiyyah

This *maslahah* refers to the *maslahah* required to give convenience as well as ease people in carrying out their duties. However, its absence does not lead to the lameness of human life but only brings life difficulties (Jalal al Din, 2000) for example. In the field of Islamic worship, this group of travelers is allowed to qasar prayer, which is to shorten the prayer rakat to two rakats and is given permission to break the fast in the month of ramadan if they cannot afford it.

Maslahah Tahsiniyyah

This *maslahah* aims to improve the condition of individuals and society in harmony with moral values to protect human dignity. If this value is missing then the perfection of reason and beauty will be lost (Jalal al-Din, 1983). However, the absence of this *maslahah* does not lead to the lameness of human life as in *maslahah daruriyyah* and does not also lead to difficulties in their lives as happened in *maslahah hajjiyyah* (‘Ali, 1964). *Maslahah tahsiniyyah* occurs in various fields such as worship, custom, muamalat and crime. In the field of Islamic worship, it is prescribed to purify oneself from impurity, cover the aurah, wear good clothes when praying, closer to God by performing such as fasting, prayer, giving charity, and others.

The Viewpoint of Mafsadah

Mafsadah means something broken (Al-Husayn, 1971) or a harmful. Its antonym is *maslahat* (Ibnu Manzur, 1994) or also goodness (Qutb Mustafa, 2000). That is, *mafsadah* is harm that leads to damage. *Mafsadah* and *maslahat* are closely related. When scholars use the concept of *maslahat* in determining a law, then the concept of *mafsadah* is also follows.

Mafsadah according to Imam Ghazali is something that leads to the removal (in part or in whole) of the five *maqâsid al-syarî'ah*, which are to protect life, soul, intellect, lineage, and property (Al-Ghazali, 2008). This is regarded as *mafsadah haqîqiyyah* in the opinion of Imam Al-Ghazali. *Mafsadah haqîqiyyah* not only destroys part or all of the five *maqâsid al-sharî'ah*, but also removes or destroys items related to it (*wasilah*), also known as *mafsadah majâziyyah*. *Mafsadah majâziyyah* is the cause of the emergence of *mafsadah haqîqiyyah* (Abdussalam, 1968). For example, adultery is *mafsadah haqîqiyyah*, whereas seeing a woman who is not a mahram is *mafsadah majâziyyah*, because it is an intermediary in the occurrence of adultery. If the intermediary is strong, then the *mafsadah* is stronger and vice versa.

Besides that, Fakhr al-Din al-Razz opinion that *mafsadah* is an expression of pain or a path (*wasilah*) that leads to the result of the pain (Fakhr al Din, n.d.). ‘Izz al-Din ‘Abd Salam (2000) stated, *mafsadah* a sadness, pain and the reason for it. Unlike Ibn 'Ashur (2001) who defined it as if he wanted to separate between *maslahah* and *mafsadah*. He defined *mafsadah* as the nature of an act that produces damage or *darar* whether it is continuous, habitual, applied to the majority of people or individuals.

Based on the understanding given by the scholars, it can be concluded that *mafsadah* is the nature of an act that produces damage and loss of benefits that deprives the interests of the five, happening to the majority of people or individuals. For example, the law of cutting off hands for thieves is a *mafsadah* for a group of thieves because it can reduce their ability in life such as their ability to do work. While stealing is considered as *mafsadah* which can result in damage to human rights in general. Therefore, if it is not celebrated its rejection, it will lead to the loss of *maqasid sharia* (‘Izz al-Din 'Abd al-Salam, 2000).

So, here it needs to be emphasized that the rejection of *mafsadah* is complementary to the existence of *maslahah* itself. The existence of *mafsadah* is due to the neglect of *maslahah* and acceptance of the elements of damage and leads to lapse of *maqasid syariah*. So, the thing that escapes from *maqasid syariah* is *mafsadah*.

Considerations between *Maslahah* and *Mafsadah* Points

Fiqh Muwazanat is the term used in fiqh to describe arbitration between matters that are either *maslahah* or *mafsadah* or between *maslahah* and *mafsadah*. *Fiqh muwazanat* according to Dr. Ḥasan Sālim al-Dawsī is:

Fiqh al-Muwāzanāt is the knowledge that teaches how to get the best scientific judgement that is prosperous between *maslahat* and *mafsadah* when there is a clash and harmonize them in reality and implementation.

When there is a conflict between things that earn *maslahah* and things that earn *mafsadah*, we should analyze whether we need to accept *maslahah* or *mafsadah* as thoroughly as feasible. Scholars educate us to analyze a problem from multiple perspectives, not just one because the decision will affect the life of the entire human race. Among the methods used is the method of “*tarjih*” between *maslahah* and *mafsadah* (Ibnu Abdul Salam, 2020). This method determines if what is decided is *maslahah* or *mafsadah*, Based on the actual risk position (Ahmad, 2004) and whether thing is more dominant (Al Shatibi, 2011).

In the context of this study, we can examine it from two perspectives. *Mafsadah* is the first, while *maslahah* is the second. The government has taken steps to exempt liquid nicotine from the Poison Act 1952. As a result, Malaysians easily to buy and sell electronic cigarettes and vape until the government approves The Smoking Product Control Bill for Public Health 2023. There are various *mafsadah* that occur as a result of remove nicotine from this list of poisons. If nicotine products were easily available to the consumers, the number of patients which effect from these products will increase and the cost to treat also rise.

Among the *mafsadah* occurred is the community exposed to nicotine products, particularly youths, especially teenagers who naturally like to try new things. This is *mafsadah* to the health of vape and cigarette smokers, and the people around them because they are exposed to the smoke of nicotine products. Nicotine products such as electronic cigarettes and vapes themselves lead to *mafsadah* because they will disturb people to take care of part of the five *maslahah*. Taking care of one's intellect is one of them. Nicotine produces chronic brain abnormalities, and long-term use results in physiological dependence and a strong desire to use this tobacco. This nicotine product will bring harm and destruction to human health. Things that lead people to destruction such as nicotine products are things forbidden by God. This prohibition is in line with evidence from Al-Qur'an, Allah S.W.T said:

Translation: Do not throw yourselves into the valley of perdition.

(Surah al-Baqarah, 2:195)

In al-Qurtubi's interpretation, the words of Imam al-Tabari are also quoted. What can be concluded from his words that is the *tafsir* of this verse is that throwing oneself into destruction can be used for any purpose that leads to the destruction or death of oneself.

Furthermore, excessive nicotine usage will cause Nicotine at a level of at least 4mg can cause death in children, while 40 mg can cause mortality in adults. If people ignore *maslahah* to take care of life, it can be *mafsadah* to their life. Besides that, the *maslahah* of taking care of property is because the use of a lot of cigarette products requires a lot of money. Islam forbids its people to spend their money on things that do not bring benefits and things that are useless and even harmful to human health (Yusuf Hamid al-'Alim, n.d.) This matter is in line with *maqasid syariah*, which is to protect wealth from spending on things that bring *mafsadah*, which is this nicotine product.

Therefore, the use of nicotine by the Malaysian community will result in risks from various aspects. The health component is one of them. The substances in cigarettes and vapes can be damaging to one's health by encouraging blood clotting, destroying lung cells, causing rapid death, addiction, and irritating the eyes, throat, and skin. Other ingredients found in electronic cigarettes may also have negative health consequences such as cancer, stroke, oral cancer, heart disease, cataracts, and stomach ulcer.

Furthermore, the risk to passive smokers exists since the principle of passive smoking, as it applies to conventional cigarettes, also applies to electronic cigarettes and vaping, where persons in the vicinity are exposed to the vapor produced by electronic cigarettes. As a result, it hurts not just the electronic cigarette and vaping smoker, but also others around them. This is contrary to Syaria's recommendation to avoid harming oneself and others because Allah's Messenger PBUH said:

Translation: There should neither be harming (of others without cause), nor reciprocating harm (between two parties).

(Narrated by Ahmad and Ibn Majah and al Daraqutni)

According to Al-Imam al-Shatibi (1997), "be harming nor reciprocating harm are prohibited in all Syariah". So, it is apparent this nicotine-containing products are harmful to oneself and others, and this is forbidden under syariah since it contradicts the *maqasid syariah*, which is to safeguard life.

Besides that, one of the "*mudarat*" criteria that Islam considers when prohibiting a substance, drink, or food is that the harm of the substance is clearly proved because by taking the substance in the usual way (ghalib) it might be harmful. This criterion is in line with the effects of taking these nicotine products, which typically inflict pain on both the user and others around him. Furthermore, the harm might occur instantly or gradually, and it can result in death, limb loss/damage, the transmission of deadly infections, or mental harm (Wan Hassan et al., 2018). This is also in keeping with the topic of discussion because excessive usage of this product might result in mortality, lung damage, and numerous ailments that have been mentioned. Harmful substances are certainly not considered beneficial forever. As a result, this nicotine product will cause clear harm to humans, even though it has benefits, the harm is larger than the benefits acquired.

In the context of this study of point *masalah*, what the study sees, the government exempts nicotine liquid from the Poison Act 1952 to charge excise duty on nicotine product manufacturers. This may be a *masalah* in the eyes of the government, in that by taxing manufacturers, the Government can generate the Government's finances. In addition, the money collected will be given back to the Malaysian Ministry of Health to cover the cost of hospital treatment. This matter is a *masalah* for the people for who need treatment in the hospital which is to protect their lives. Although the government has suggested that half of the excise duty money be returned to the Malaysian Ministry of Health as the cost of care for these patients, the cost of therapy offered will be insufficient to treat the patient. Former Health Minister Khairy Jamaluddin stated, "The cost of treating those who are sick due to smoking is much higher than the tax collected by the government on the sale of tobacco products, this is because every year, the government needs to allocate RM6 billion to treat individuals diagnosed with diseases caused by smoking, including illness heart and cancer". (Berita Harian, 2023) According to this viewpoint, *mafsadah* is the impact of smoking on society that will dominates than the money provided by the government through tax collection, and this dominant *mafsadah* must be prioritised in order to reject it.

Furthermore, when there is a clash between *masalah* and *mafsadah*, a clash that cannot be brought together and related to the nature underlying it, then, the matter that dominates between the two should come first (al-Ghazāli, 2015; Ibnu Qayyim al-Jauziyyah, 2011; Ibnu Abdul Salam, 2020). This means that if *mafsadah* is dominant, its rejection must be prioritised, and vice versa. (R. Ahmad, 2004; al-Shāṭibī, 2011). The dominant thing about this situation is that great *mafsadah* will happen. If the nicotine liquid or gel form exemption from the Poison Act 1952 is maintained and even though the Smoking

Products Control Bill for Public Health 2023 has passed, and there is Minors policy, but the GEG policy must introduced to protect future generation completely.

Furthermore, there is a *fiqhiyyah* method that is parallel with this situation, which is:

درء المفسد أولي من جلب المصالح

Translation: Rejecting damage is more important than bringing good.

When occur clash between *maslahah* and *mafsadah*, and there is a big mafsadah. Thus, rejecting damage is prioritized than bringing benefits which is *maslahah*. This is because Allah SWT prioritises avoiding things that are forbidden over doing those that are commanded. The requirement to prohibit the sale of vaping, cigarettes, and similar products that do significant harm to humans must be denied because it can caused a big *mafsadah*, even if it provides a good economic return to the government (Mamat, 2020).

However, this situation which is parallel to this *fiqhiyyah* method changed after the Government passed the new smoking bill. So, the *mafsadah* that needs to be rejected is the exemption of nicotine from the poison act without the approval of this smoking bill, and the *maslahah* that needs to be accepted in this context is the approval of the smoking bill and the minor policy to save young generation contained in this bill.

In *Siyasah Syariah*, based on the *maslahah*'s community, the government has the authority to stop the generation of electronic cigarette smokers and vaping that are harmful to society by passing the policy GEG to protect their public interest (*maslahah ammah*) based on fiqh methods:

تصرف الإمام على الرعية منوط بالمصلحة

Translation: The government's action towards the people should depend on *maṣlaḥah*.

(Al-Suyuti, 1990)

According to this *fiqhiyyah* method, in every government decision and action, the government must prioritize the *maslahah* of the community, and reject any large *mafsadah* that is expected to occur. The smoking bill was passed by the Malaysian government, which is perceived as prioritize the interests (*maslahah*) of the community by forbidding the use of nicotine products, especially for the young generation which is under the age of 18.

Examples of other issues that have a conflict between *maslahah* and *mafsadah* and how to resolve this conflict. An example is the prohibition of alcohol. Once upon a time, the Arabs practiced this alcohol as entertainment. They feel this alcohol is a place to calm the mind. Allah forbids alcohol completely. According to *jumhur*, alcohol is everything that intoxicates, and the law prohibits it has been agreed upon by the jurists. The prohibition does not matter drinking a lot or a little without a reasonable reason allowed by the law as in *darurat* others (Abd Mujib, 1997). This prohibition includes all types of drinks. which is categorized as alcohol without distinguishing in terms of name, type, method processing whether found in the past or present. Conviction the prohibition of alcohol is based on evidence from the Qur'an, the Sunnah of the Prophet SAW and Ijmak ulama (Wuzara al-Auwqaf, 1993). God said:

Translation: O you who have believed, indeed, intoxicants, gambling, [sacrificing on] stone alters [to other than Allāh], and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful.

(Surah Al-Maidah, 5:90)

Although this alcohol has maslahah for the person who drinks it, but this act is also a major sin. Allah forbids alcohol because it has a great mafsadah, which is to remove the mind of the drinker and if this alcohol is allowed in a country, this matter will neglect the importance of protecting the mind and life. Ignorance takes care of the mind because alcohol itself has a meaning to thinking. Neglecting to take care of life may cause road accidents due to drunkenness. In this context, Allah forbids alcohol completely because a great mafsadah will occur if this act is allowed.

Finally, in this context, this government action which the exemption nicotine from Poison Act 1952 will cause more harm and risk to Malaysians' health, even though it will improve the government's own finances. Problems that may exist for some parties but have great harm to other parties. However, the Government has already removed nicotine from the list of poisonous substances in April 2023, to regulate this nicotine product, the government has passed the Smoking Product Control Bill for Public Health 2023 on 30 November 2023. As a result of the approval of this bill, the cigarette and vape lobby industry is not allowed to sell without a license, marketed clearly and so on. From this bill as well, the Government has prohibited people under 18 to sell and buy these cigarette products, this is to protect the young generation from using cigarettes at a young age because at this age the effects are more dangerous than for adults.

A suggestion that the Government can consider ensuring that the use of these cigarettes is less from day to day is to approve the Generation End Game GEG policy, which is a ban on selling to people born on 1 January 2007 onwards, as well as a ban on buying cigarette products from this generation. We need to take care of this so that the Malaysia Government is smoke and vape free and this will have an impact on reducing the cost of treating patients caused by these nicotine products. Besides that, the government necessary to limit the number of milliliters (ml) of nicotine in products that may be offered on the market and raise the excise duty in order to make people feel burdened by it and discourage them from using nicotine products.

Conclusion

The previous discussion has led to the conclusion that nicotine is obviously bad for human health because for every vape and electronic cigarette there are several types of chemicals that are mostly poisonous. But there are still those who deny it by giving the excuse that vaping is a way to stop smoking. While both products have nicotine and lead to addiction and result in smokers not stopping smoking nicotine products. In addition, the government's action to exclude nicotine from the Poison Act 1952 because it wants to impose excise duty has opened debates between politicians, the health department, and others. They believe that the government's actions are hasty in doing something. In addition, the revenue from this excise duty will not be able to cover the cost of treating diseases caused by nicotine products because most of the treatment costs are received through tax payments. Therefore, the action to remove nicotine from the Poison Act 1952 before passing the Smoking Bill for Public Health 2023 is not a relevant action to protect the young generation from being exposed to this nicotine product.

Finally, the consideration of maslahah and mafsadah, this study sees that there is a greater mafsadah than maslahah in the context of this nicotine exemption before the Smoking Bill for Public Health 2023 is passed. Among the consequences that may occur, the increase in the use of nicotine products among teenagers, as well as increasing the cost of treatment that will be borne by the government because of these nicotine products. While the maslahah is that, to improve Malaysia's economy, half of the excise duty revenue will be allocated to the Ministry of Health to cover the cost of treatment and others. Nonetheless, the government has passed this smoking law in order to protect the maslahah of the community, especially those under the age of 18, this is because this group is bound by the Minor policy

that is under the bill. Next, this study suggests that the government present a Generation End Game (GEG) policy to protect future generations so that they become a completely smoke-free generation.

References

- ‘Uthman, M. A. (1995). *Mulaf al-tadkhin al-syayahi wa al-mali fi mizan al- Islam*. Dar al-Kalim al-Tayyib.
- Abdul Karim, H. (2023). *Persidangan Rang Undang-undang Kawalan Merokok Demi Kesihatan Awam 2023* [2nd Reading]. Malaysia Parliament House, Kuala Lumpur.
- Abdullah, N. H. (2019, November 4). Tindakan penguatkuasaan terhadap penjualan nikotin tanpa lesen. *Bernama*. <http://mrem.bernama.com/mrembm/viewsm.php?idm=12752>
- Abdussalam, I. (1968). *Qawā‘id al-ahkām fi masālih al-anām* (Vol. 1). Dār al-Syarq.
- Ahmad, R. (2004). *Standard maşlahah dan mafsadah dalam penentuan hukum Islam semasa di Malaysia* [Doctoral dissertation, Universiti Malaya].
- Al-Alim, Y. H. (n.d.). *Al-Maqasid al-‘ammah li al-syaria‘ah al- Islamiyyah*. Dar al-Hadith.
- Alanweiri, A. M. S. (2015). *Hubungan derajat merokok dengan skor kesehatan fisik pada karyawan kampus II dan III Universitas Islam Negeri Syarif Hidayatullah Jakarta* [Undergraduate thesis, UIN Syarif Hidayatullah].
- Al-Asyqar, U. S. A. (n.d.). *Nazurat fi usul al-fiqh*. Dar al-Nafais.
- Al-Buti, M. S. R. (1967). *Dawabit al-maslahah fi al-shari‘ah al-Islamiyyah*. Al-Taba‘ al-Umawiyyah.
- Al-Dawsī, H. S. (2001). *Manḥaj fiqh al-muwāzanāt fi al-shar‘ī al-Islāmī dirāsah uşūliyyah. Majallah al-Sharī‘ah al-Islāmiyyah*.
- Al-Ghazali, A. H. (1993). *Al-Mustasfā min ‘ilm al-uşūl* (A. S. M. ‘Abd al-Salām, Ed.). Dār al-Kutub al-‘Ilmiyyah.
- Al-Ghazali, A. H. (2008). *Al-Mustasfa min ‘ilm al-usul* (A. M. M. ‘Umar, Ed.). Dār al-Kutub al-‘Ilmiyyah.
- Al-Ghazali, A. H. (2015). *Al-Mustasfā min ‘ilmi al-uşūl* (M. S. al-Ashqar, Ed., Vol. 1). Mu'asasat al-Risalah Nasyirun.
- Alias, M. A. A., Mohd Jailani, M. R., Wan Ismail, W. A. F., & Baharuddin, A. S. (2024). The integration of five main goals of shariah in the production of science and technology for human well-being. *AL-MAQASID: The International Journal of Maqasid Studies and Advanced Islamic Research*, 5(1), 1–16. <https://doi.org/10.55265/al-maqasid.v5i1.79>
- Al-Jahas, D. (1986). *Ma‘alijah al-tadkhin baina al-atibba‘ wa al-syariah*. Dar Ibnu Hayyan.
- Al-Razi, F. D. M. (n.d.). *Al mahsul fi ‘ilm usul al fiqh* (J. Q. al Alwani, Ed., Vol. 5). Muassasat al-Risalah.
- Al-Shatibi, I. (1997). *Al-Muwafaqat* (Vol. 1). Dar Ibn Iffan.
- Al-Shāṭibī, I. B. M. (2011). *Al-Muwāfaqāt fi uşūl al-sharī‘ah* (A. A. al-Dimyāṭī, Ed., Vol. 2). Dar al-Ghad al-Jadid.
- Al-Suyuti, J. D. (1990). *Al-Asybah wa al-naza‘ir*. Dar al-Kutub al-‘Ilmiyyah.
- Al-Suyuti, J. D. (2000). *Sharh al-kawkan al shati‘* (Vol. 2).
- Al-Syatibi, I. M. (1975). *Al-Muwafaqat fi usul al-syari‘ah* (S. A. A. Daraz, Ed., Vol. 2). Maktabah al-Tijariyyah.
- American Heart Association. (2015). *How smoking and nicotine damage your body*. Heart Attack and Stroke Symptoms.
- Bals, R., & Hiemstra, P. S. (2016). Basic science of electronic cigarettes: Assessment in cell culture and in vivo models. *Respiratory Research*, 17(1), 127.
- Becquemin, M. H., Bertholon, J. F., Annesi-Maesano, I., & Dautzenberg, B. (2013). Electronic cigarettes: A short review. *Respiration*, 86(5), 433.
- Chassin, L., Presson, C. C., Sherman, S. J., & Edwards, D. A. (1990). The natural history of cigarette smoking: Predicting young-adult smoking outcomes from adolescent smoking patterns. *Health Psychology*, 9(6), 701-716.
- CodeBlue. (2023, May 25). *NHMS survey: Among Malaysian teens, smoking rate falls but vaping prevalence rises to 15%*. <https://codeblue.galencentre.org/2023/05/25/nhms-survey-among-malaysian-teens-smoking-rate-falls-but-vaping-prevalence-rises-to-15pc/>
- Dahri, R. (1997). *Hukum mengenai rokok & mencukur janggut*. Perniagaan Jahabersa.

- Dani, A. K., Yuwono, S. S., & Wulan, S. N. (2009). Studi kadar nikotin dan tar sembilan merek rokok kretek filter yang beredar di wilayah Kabupaten Nganjuk. *Jurnal Teknologi Hasil Pertanian*, 152.
- Dani, J. A. (2011). *Historical and current perspective on tobacco use and nicotine addiction*. National Library of Medicine National Center for Biotechnology Information. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3193858/>
- Edwards, G., Arif, A., & Hadgson, R. (1982). Nomenclature and classification of drug- and alcohol-related problems: A shortened version of a WHO memorandum. *British Journal of Addiction*, 77(1), 3-20.
- Fagerstrom, K. O. (1994). Combined use of nicotine replacement products. *Health Values*, 18(15), 20.
- Fant, R. V., Sweeney, C. T., Fagerstrom, K. O., McGovern, J. F., & Henningfield, J. E. (2021). Combination nicotine replacement therapy for smoking cessation: Rationale, efficacy and tolerability. *CNS Drugs*, 15, 453.
- Gately, I. (2002). *Tobacco: A cultural history of how an exotic plant seduced civilization*. Grove Press.
- Haris, A., Ikhsan, M., & Rogayah, R. (2012). Asap rokok sebagai bahan pencemar dalam ruangan. *Tinjauan Pustaka*, (1), 19.
- Hasballah, A. (1964). *Usul al-tasyri' al-Islami*. Dar al-Ma'rifah bi Misr.
- Henkler, F., Hutzler, C., Kruschinski, S., Paschke, M., Hahn, J., & Luch, A. (2014). Chemical hazards present in liquids and vapors of electronic cigarettes. *Archives of Toxicology*, 308.
- Ibn 'Ashur, M. T. (2001). *Maqāsid al-shārī'ah al-Islāmiyyah*. al-Shirkah al-Tunīziyyah li al-tawzi'.
- Ibn Abd al-Salam, I. (2000). *Qawaid al kubro al mawsum bi al qawai'd al ahkam fi islah al ana'm* (Vol. 1). Dar al Qalam.
- Ibn Abd al-Salam, I. (2020). *Qawā'id al-ahkām fi islah al-anām* (N. K. Hammad & O. J. Damiriyyah, Eds., 6th ed., Vol. 1). Dar al-Qalam.
- Ibn Faris, A. (1971). *Mu'jam maqayis al-lughah* (A. M. Harun, Ed., Vol. 4). Matba'ah Mustafā al-Bābī al-Halabī.
- Ibn Manzur. (1994). *Lisan al-'Arab* (Vol. 3). Dar Sadir.
- Ibn Qayyim al-Jauziyyah, M. A. B. (2011). *Miftāh dār al-sa'ādah wa manshūr wa wilāyat al-'Ilm wa al-irāddah* (A. R. H. Qaid, Ed., 2nd ed., Vol. 2). Dar Alim alFawa'id.
- Ibrahim, A. (2023). *Pelaksanaan duti eksais ke atas produk cecair atau gel mengandungi nikotin yang digunakan untuk rokok elektronik dan vape*. Portal Rasmi Kementerian Kewangan. <https://www.mof.gov.my/portal/ms/berita/siaran-media/pelaksanaan-duti-eksais-ke-atas-produk-cecair-atau-gel-mengandungi-nikotin-yang-digunakan-untuk-rokok-elektronik-dan-vape>
- Idris, R. (2023, November 30). 'Luluskan RUU Kawalan Produk Merokok dulu, kemudian teliti keperluan GEG' - Dr Zaliha. *Berita Harian*. <https://www.bharian.com.my/berita/nasional/2023/11/1183561/luluskan-ruu-kawalan-produk-merokok-dulu-kemudian-teliti-keperluan>
- Jalal al-Din, A. R. (1983). *Al-Maslahah al-mursalah wa makanatuha fi al-Tasyri'*. Matba'ah al-Sa'adah.
- Jalal al-Din, A. R. (1992). *Ghayah al-wusul ila daqaiq 'ilm al-usul al-adillah al-mukhtalaf fiha*.
- Jumlah remaja guna peranti rokok elektronik meningkat. (2023, June 25). *Harian Metro*. <https://www.hmetro.com.my/mutakhir/2023/06/981242/jumlah-remaja-guna-peranti-rokok-elektronik-meningkat>
- Kementerian Kewangan. (2023). *Pelaksanaan duti eksais ke atas produk cecair atau gel mengandungi nikotin yang digunakan untuk rokok elektronik dan vape*. <https://www.mof.gov.my/portal/ms/berita/siaran-media/pelaksanaan-duti-eksais-ke-atas-produk-cecair-atau-gel-mengandungi-nikotin-yang-digunakan-untuk-rokok-elektronik-dan-vape>
- Kluster Perubatan Dan Kesihatan Akademi Profesor Malaysia. (2023). *Deklarasi Bangi: Sempena persidangan meja bulat "Rang Undang-Undang (RUU) Kawalan Produk Merokok Demi Kesihatan Awam 2023 dan pelaksanaan dasar Generasi Penamat (GEG): Cabaran dan implikasi terhadap pembangunan Malaysia Madani"*.
- Larangan generasi muda merokok. (2022, June 3). *Harian Metro*. <https://www.hmetro.com.my/setempat/2022/06/848477/larangan-generasi-muda-merokok>

- Malaysian Pharmacists Society. (2023, March 29). Ahli Farmasi bantah cadangan pengecualian cecair, gel nikotin dalam Akta Racun 1952. *Bernamea*. <https://www.astroawani.com/berita-malaysia/ahli-farmasi-bantah-cadangan-pengecualian-cecair-gel-nikotin-dalam-akta-racun-1952-413050>
- Ma'luf, L. (2000). *Al-Munjid fi al-lughah wa al-.,alam* (32nd ed.). Dar al-Masyriq.
- Mamat, Z. (2020). Aplikasi kaedah fiqh “La Darar Wa La Dirar” dalam isu Covid-19 di Malaysia. *Jurnal Fiqh*, 3, 334.
- Marmanik, T. S. (2021). *Hubungan jenis rokok dan derajat merokok terhadap status kesehatan masyarakat di Desa Tegal Mukti Kecamatan Negeri Besar Kabupaten Way Kanan* [Undergraduate thesis, Universitas Islam Negeri Raden Intan Lampung].
- Muharam, R. (2023, May 24). Green Lung sokong kerajaan bentang RUU Kawalan Produk Merokok. *Harian Metro*. <https://www.hmetro.com.my/mutakhir/2023/05/970205/green-lung-sokong-kerajaan-bentang-ruu-kawalan-produk-merokok>
- Myers, C., & Herrington, J. S. (2015). Electronic cigarette solutions and resultant aerosol profiles. *Journal of Chromatography A*, 1418, 192.
- Ong, S. C. W. (2014). *Terapi Gantian Nikotin (NRT)*. myHealth Kementerian Kesihatan Malaysia. <http://www.myhealth.gov.my/terapi-gantian-nikotin-nrt/>
- Sanu, Q. M. (2000). *Mu'jam mustalahat usul al-fiqh*. Dâr al-Fikr.
- Shahrulnizam, A. (2023, June 13). Pakar kesihatan awam gesa nikotin disenaraikan mula dalam Akta Nikotin. *Berita Harian*. <https://www.bharian.com.my/berita/nasional/2023/06/1113836/pakar-kesihatan-awam-gesa-nikotin-disenaraikan-mula-dalamakta>
- Smith, E. W., Smith, K. A., Maibach, H. I., Andersson, P. O., Cleary, G., & Wilson, D. (1992). The local side effects of transdermally absorbed nicotine. *Skin Pharmacology*, 5, 69–76.
- Sulaiman, L. H. (2023, April 6). Imbangi kesan nikotin dengan sokong RUU - Pakar Kesihatan Awam. *Astro Awani*. <https://www.astroawani.com/berita-malaysia/imbangi-kesan-nikotin-dengan-sokong-ruu-pakar-kesihatan-awam-414217>
- Sulaiman, N. A. (2023, October 7). Kos rawat perokok sakit jauh lebih tinggi berbanding cukai produk tembakau – KJ. *Berita Harian*.
- Syafi'ah Am, M. A. M. M. T. (1997). *Kamus istilah fiqh*. Advance Publication.
- Tarran, R., & Rowell, T. R. (2015). Will chronic e-cigarette use cause lung disease? *American Journal of Physiology-Lung Cellular and Molecular Physiology*, 309(12), L1398.
- Tawilah, A. W. A. S. (1986). *Fiqh al-asyribah wa hadduha aw hukm al-Islam fi al-muskirat wa al-mukhaddirat wa al-tadkhin wa turuq mu'alajatiha*. Dar al-Salam.
- The Tobacco Use and Dependence Clinical Practice Guideline Panel, Staff, and Consortium Representatives. (2000). A clinical practice guideline for treating tobacco use and dependence: A US Public Health Service report. *JAMA*, 283(24), 3244–3254.
- Wan Hassan, W. Z., Abdullah, N., Muslim, N., & Alias, J. (2018). Aplikasi maqasid syariah dalam fatwa berkaitan penggunaan rokok elektronik dan shisha di Malaysia. *Sains Insani*, 3(1), 22. <https://doi.org/10.33102/sainsinsani.vol3no1.20>
- Wuzara al-Auwqaf wa al-Shu'un al-Islamiyyah. (1993).