

Balancing *Hifẓ al-Nafs* and *Hifẓ al-Māl*: An Analysis of *Maqāṣid al-Syarī'ah* on the Pictorial Health Warning Policy on Tobacco Products in Indonesia

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DOI: 10.29240/alquds.v10i2.16112

Abstract. Cigarettes are a limited legal product that raises a policy dilemma between economic interests and public health protection. In Indonesia, one of the tobacco control instruments is the policy of including pictorial health warnings on the packaging of tobacco products. This study aims to analyze this policy from the ethical perspective of the Qur'an with *the approach of maqāṣid al-syarī'ah*. The research questions posed are: (1) how pictorial health alert policies are viewed from the perspective of *maqāṣid al-syarī'ah*; and (2) how the tension between the protection of the soul (*hifẓ al-nafs*) and the preservation of property (*hifẓ al-māl*) is explained in policy. This study uses a library *research method* with a qualitative approach and thematic interpretation (*maudhu'i*), through the analysis of Qur'anic verses, interpretive literature, as well as regulations and health policy data related to tobacco control in Indonesia. The results of the study show that the principles of prohibition of harm, protection of life, and social responsibility in the Qur'an provide a normative basis for the pictorial health warning policy as a preventive instrument to suppress public health risks without eliminating economic activities. The tension between *hifẓ al-nafs* and *hifẓ al-māl* is managed through the principle of *irtikāb akhaff al-d ararayn*, i.e., choosing lighter harm in order to prevent greater damage. These findings show that *maqāṣid al-syarī'ah* is relevant as an ethical framework in formulating tobacco control policies that are balanced, contextual, and oriented towards the benefit of the community.

Keywords: Maqāṣid al-Syarī'ah, Qur'anic Ethics, Tobacco Control, Health Warnings, Public Policy.

Introduction

Smoking is one of the main risk factors for various non-communicable diseases that threaten public health, such as cardiovascular disease, chronic obstructive pulmonary disease (COPD), and various types of cancer.¹ These dangers are caused by exposure to more than 7,000 chemical compounds in cigarette smoke, about 80 of which are carcinogenic, increasing the risk of pain and death in both active and passive smokers. Although nicotine can have temporary effects in the form of calm, increased concentration, and improved mood, these effects actually trigger dependency that hurts physical and mental health in the long term.² Various scientific evidence shows that cigarette consumption is a public health problem that requires comprehensive control efforts, including through policies that can increase public awareness of the risks it causes.³

To reduce the prevalence of smoking, the Indonesian government implements various control policies, one of which is through the inclusion of health warnings on the packaging of tobacco

¹ Anisa Marieta and Keri Lestari, "Narrative Review: Cigarettes And The Various Health Problems They Cause," *Pharmacy* 20, no. 2 (n.d.).

² "Toxins in Tobacco Smoke," Health Canada / Government of Canada, 26 Juli 2023.

³ Kevin Adrian, "The Benefits of Smoking, Do They Exist?," Alodokter, May 14, 2024.

products. This policy not only aims to prevent the emergence of novice smokers, but also guarantees the public's right to obtain honest and accurate information about the dangers of smoking, thereby encouraging informed *decision-making*. In this context, the distinction between limited legal cigarettes and illegal cigarettes is important, considering the rampant circulation of tobacco products that do not meet legal requirements, such as the absence of excise stamps, unlicensed production, and the absence of pictorial health warnings and content information. The circulation of illegal cigarettes not only harms state revenues, but also increases health risks as consumers lose access to product hazard information, while lower prices expand accessibility among vulnerable groups.⁴⁵

On the other hand, the tobacco industry has survived because of its significant contribution to the national economy. Tobacco excise is one of the largest sources of state revenue, while millions of farmers and workers depend on the industry's production chain. This puts the government in a dilemma in formulating tobacco control policies, as any restrictions have the potential to affect economic stability and people's livelihoods, while the demand to protect public health continues to strengthen.⁶ From an Islamic ethical perspective, al-Ghazali asserts that economic activities are fundamentally aimed at meeting the needs of society and must be carried out efficiently and morally for the benefit of humanity. This view suggests that production activities, including those in the cigarette industry, cannot be separated from ethical considerations and their social impacts.⁷

Several studies have examined tobacco control policies through *pictorial health warnings* (PHW). Ratih and Susanna (2018), through a review of the literature in various Asian countries, showed that pictorial health warnings are more effective than text-based warnings in increasing public knowledge about the dangers of smoking, forming attitudes towards smoking behavior, increasing awareness, reducing smoking intentions, and encouraging the intention to quit smoking.⁸ In addition, they also emphasized the importance of regular image updates to maintain policy effectiveness. Similar findings were put forward by Dewi et al. (2021), which showed that the implementation of PHW in Indonesia was able to create a sense of threat in smokers and strengthen non-smokers' beliefs to remain non-smoking. However, the study also found that PHW does not necessarily encourage smokers to quit due to cigarette dependence, so respondents believe that the government needs to implement stricter and more comprehensive tobacco control policies, not only through pictorial health warnings.⁹

In an Islamic perspective, Padela (2017) explained that *maqāṣid al-syarī'ah* is an ethical framework that can be used to analyze modern health issues. According to him, the concept of *maqāṣid* not only serves as a basis for determining law, but also as a philosophical and ethical framework that is able to bridge sharia values with the development of contemporary science and policy. Nevertheless, Padela emphasized that the application of *maqāṣid* in health policy analysis still requires conceptual development and further research.¹⁰

⁴ Wachyu Sulistiadi, "Analysis of the Implementation of the Policy of Including Health Warnings and Health Warnings on Cigarette Packaging," *Journal of Indonesian Health Policy*: JKKI, 2019.

⁵ Hasrawati Azis, Imron Burhan, and Ilham, "Perception Of Illegal Cigarette Circulation On Cigarette Excise Revenue And Cigarette Tax In South Sulawesi Province," *Customs Journal* 6, no. 1 (January 2024): 103–19.

⁶ Hainorrahman and Ahmad Rizki Mubarak, "Tobacco Industry: Economic and Health Interests," *TIMES Coffee*, July 1, 2025.

⁷ Agus Alimuddin, "Production Ethics In The View Of Maqasid Shari'ah," *Nizham* 8, no. 1 (2020): 113–24.

⁸ Suci Puspita Ratih dan Dewi Susanna, "Perceived effectiveness of pictorial health warnings on changes in smoking behaviour in Asia : a literature review," 2018, 1–16, p. 15, p. 766.

⁹ Fatwa Sari et al., "Strict and Comprehensive Tobacco Control Policy is Needed : A Qualitative Study Exploring How People Responding a New Policy of Pictorial Health Warning on Cigarette Package in Indonesia," *Scientific Foundation SPIROSKI* 9 (2021): 759–68.

¹⁰ Aasim I Padela, "The Essential Dimensions of Health According to the Maqāṣid al - Shari ' ah Frameworks of Abu Ishaq al - Shatibi and Jamal - al - Din - ' A t iyah," *IMJM* 16, no. 1 (2017), pp. 57-58.

Previous research has proven the effectiveness of PHW on smoking behavior, while the study of *maqāṣid al-syarī'ah* is more developed as a conceptual framework for health ethics. However, there are still limitations in research that integrates these two perspectives to analyze health warning policies on tobacco products in Indonesia as a form of balance between public health protection and economic benefits.

Although various studies have discussed the effectiveness of pictorial health warnings and the use of *maqāṣid al-syarī'ah* as an ethical framework in the health field, these studies are generally still conducted separately. Research on PHW focuses more on the effectiveness of policies in influencing smoking behavior, while research on *maqāṣid* develops more conceptual frameworks for health ethics in general. Until now, there is still limited research that analyzes tobacco control policies in Indonesia, especially health warning policies on tobacco product packaging, through the ethical perspective of the Qur'an with the approach of *maqāṣid al-syarī'ah*.

Based on this description, this study aims to analyze the health warning policy on tobacco products in Indonesia from the ethical perspective of the Qur'an through the approach of *maqāṣid al-syarī'ah*. This study also aims to explain how the policy represents the government's efforts to balance the protection of life (*ḥifẓ al-nafs*) as the main goal of sharia with consideration of economic benefits (*ḥifẓ al-māl*) related to the sustainability of the tobacco industry.

The analysis focused on how health alert policies represent the government's efforts to protect public health through the *principle of ḥifẓ al-nafs*, without ignoring considerations of economic benefits (*ḥifẓ al-māl*) given that the tobacco industry still contributes to state revenues and people's livelihoods.

Discussion

Cigarette Regulation and Control in Indonesia

Data from the Directorate General of Customs and Excise shows that cigarette production in October 2025 reached 27.9 billion cigarettes, up 7.3% compared to September, although still down 3.8% from the same period last year. Cumulatively, January-October 2025 production was 250.9 billion cigarettes, down 1.91% compared to the previous year. This figure is the lowest since 2017. The increase in production in October is an annual pattern to anticipate year-end demand and possible excise adjustments, although in 2025 the government ensures that there will be no increase in CHT rates, which is good news for the industry. In the last 15 years, the government has almost always increased excise by an average of 10–12%, except in 2014, 2019, and 2025, which were related to the policy transition period, economic slowdown, and retail selling price adjustments without tariff changes, respectively.¹¹

In general, cigarette production and consumption in Indonesia show an increasing trend. Although it contributes to state revenue, high consumption has a health impact, so the government has made excise rates an instrument of control.¹² The high rate of cigarette consumption is also inseparable from the dominance of adolescent users who are in the "storm and stress" phase as explained by Hall and Santrock. At this stage, adolescents are in intense emotional dynamics and are

¹¹ Mae, "Getting Bigger, Cigarette Production Soars Towards the End of the Year," CNBC Indonesia, 2025.

¹² Diska Agustinningtyas and Neli Agustina, "Simulation of Cigarette Excise Tariff Increase on Cigarette Economic Performance in Indonesia," *Indonesian Journal of Economics and Development* 25, no. 2 (July 1, 2025): 231–50, <https://doi.org/10.7454/jepi.v25i2.1632>.

prone to risky behavior.¹³ The encouragement of exploration and peer pressure make cigarettes easy to enter their environment. Curiosity, the need for group acceptance, and the assumption that smoking is a sign of maturity make it easier for adolescents to try until they finally get used to consuming cigarettes.¹⁴ The high vulnerability of adolescents is what prompted the government to introduce a policy to control cigarette consumption through illustrated health warnings.

The pictorial warning policy began to be implemented on June 24, 2014, based on Permenkes Number 28 of 2013, with the provision that images must be updated at least every two years to remain effective. However, the slow renewal process has made people accustomed to the same look, so its influence decreases. In response to these weaknesses, the government updated regulations and emphasized the obligation of producers and importers to adjust health warnings, along with sanctions for those who do not comply with them.¹⁵

Efforts to control cigarettes are further strengthened with the birth of Government Regulation (PP) Number 28 of 2024 concerning Health, which received appreciation from the World Health Organization (WHO). This regulation is an important milestone in efforts to protect public health, especially the younger generation who are the main target of the tobacco industry. Some of the new provisions include increasing the minimum age limit for cigarette purchases to 21 years, prohibiting the sale of retail cigarettes per stick, the obligation to include pictorial health warnings on a minimum of 50% of packaging, a ban on the use of flavors and additives, and a ban on cigarette advertising on social media. However, the production and circulation of cigarettes continues, even growing with the presence of electronic cigarettes. Data from the 2023 Indonesian Health Survey (SKI) noted that 30.8% of the population aged 15 years and above use tobacco, with a male prevalence of 57.9%. Meanwhile, the use of electronic cigarettes increased from 0.3% in 2011 to 3.0% in 2021 (GATS 2021), and even reached 12.4% among students aged 13–17 years (GSHS 2023).¹⁶

In various discussions regarding the implementation regulations of Health Law Number 17 of 2023, especially related to the Safety of Addictive Substances, there is a view that cigarettes as legal products still have room for advertising, promotion, and sponsorship. Legally, cigarettes are not prohibited from being produced, distributed, or consumed as stated in the relevant regulations. However, their status as a limited legal product shows that their consumption must be controlled, their circulation supervised, and their negative impact mitigated.¹⁷ PP 28/2024 emphasizes this through limiting the time of cigarette advertising to be displayed only from 22.00 to 05.00, so that tobacco product promotion activities become very controlled.¹⁸

From the perspective of *maqāṣid al-syarī'ah*, tobacco control policies through advertising restrictions, increased measures of illustrated health warnings, bans on the sale of cigarettes to children, and restrictions on the sale of retail cigarettes show a strong orientation towards life protection (*hifẓ al-nafs*). The purpose of the policy is not to eliminate the existence of the tobacco industry, but rather to minimize public health risks by encouraging people to obtain adequate

¹³ Laila Meiliyandrie Indah Wardani et al., *Applications of Positive Psychology: Educational, Industrial, and Social* (Pekalongan: PT. Nasya Expanding Management, 2020).

¹⁴ Dwi Kencana Wulan, "Psychological Factors Affecting Smoking Behavior in Adolescents," *Humanities* 3, no. 2 (2012): 504–11.

¹⁵ Ministry of Health of the Republic of Indonesia, "Regulation of the Minister of Health of the Republic of Indonesia Number 56 of 2017 concerning Amendments to the Regulation of the Minister of Health Number 28 of 2013 concerning the Inclusion of Health Warnings and Health Information on Tobacco Product Packaging" (Jakarta, 2017).

¹⁶ Indonesian Communications Team, "World No Tobacco Day 2025: WHO Praises Indonesia's Bold Breakthrough, Calls for Decisive Action on Standard Packaging," WHO, May 30, 2025.

¹⁷ Nini Samidi, "Cigarettes are Legal, but Not Normal," *Kompas*, October 25, 2023.

¹⁸ Aditya Eka Prawira, "Government Regulation Number 28 of 2024: Cigarette Advertisements Can Only Be Aired in the Middle of the Night, What Is the Purpose?," *Liputan6*, August 5, 2024.

information about the dangers of smoking and limiting access to vulnerable groups to tobacco products.

On the other hand, the government does not implement a total ban on cigarette production or trade. The tobacco industry is still recognized as an economic sector that contributes to state revenue through excise and is a source of livelihood for farmers, workers, and business actors. Thus, tobacco control policies also show consideration for economic benefits (*hijz al-māl*), so the government chooses a control approach rather than a comprehensive ban.

The Principles of the Qur'an Prohibition of Harm and Social Responsibility

The basis of the law of *maqāṣid al-syarī'ah* is based on the verses of the Qur'an that affirm that Islamic sharia was revealed to realize the benefits of humans. This principle is stated in Surah al-Mā'idah verse 15–16:

يَا أَهْلَ الْكِتَابِ قَدْ جَاءَكُمْ رَسُولُنَا يُبَيِّنُ لَكُمْ كَثِيرًا مِمَّا كُنْتُمْ تُخْفُونَ مِنَ الْكِتَابِ وَيَعْفُو عَنْ كَثِيرٍ ۖ قَدْ جَاءَكُمْ مِنَ اللَّهِ نُورٌ وَكِتَابٌ مُبِينٌ

O Ahlulkitab, indeed, Our Messenger has come to you to explain many things from the Scriptures that you have hidden and allowed (not to explain) many things. Indeed, the light of Allah and the Scriptures have come to you. (QS. al-Mā'idah: 15)

يَهْدِي بِهِ اللَّهُ مَنِ اتَّبَعَ رِضْوَانَهُ ۚ سُبُلَ السَّلَامِ وَيُخْرِجُهُم مِّنَ الظُّلُمَاتِ إِلَى النُّورِ بِإِذْنِهِ ۖ وَيَهْدِيهِمْ إِلَى صِرَاطٍ مُسْتَقِيمٍ

With it Allah shows those who follow His will the ways of salvation, brings them out of darkness into the light with His permission, and shows them the straight path. (QS. al-Mā'idah: 16)

QS. al-Mā'idah [5]:15–16 describes the function of the Qur'an as a guide (*budā*) that directs people to *subul al-salām* (the paths of salvation) and brings them out of darkness into the light. According to Quraish Shihab, the mention of the Prophet as *a nūr* shows his role in revealing various truths that were previously hidden so that people can obtain guidance to a better life. Thus, this verse not only speaks of prophetic treatises, but also shows that the purpose of the Shari'ah is to guide people to benefit and keep them away from various forms of corruption. On this basis, the scholars of fiqh formulated the concept of *maqāṣid al-syarī'ah* as the general purpose of shari'ah oriented towards the protection of human welfare.¹⁹

Based on this verse, the scholars of fiqh and ushul fiqh agree that every legal provision has the purpose of providing benefits for human life, both in this world and in the hereafter. Therefore, when discussing the concept of *maqāṣid al-syarī'ah*, al-Syātibī uses several different terms, but they have the same meaning, such as *al-maqāṣid al-syarī'ah li al-syarī'ah* or *maqāṣid min syar' al-ḥukm*—All of which refer to the purpose of the law that rests on the benefit of humans.²⁰

Classically, *maqāṣid al-syarī'ah* is divided into three levels of needs, namely *darūriyyāt*, *ḥajjiyyāt*, and *taḥsinīyyāt*. The level of *darūriyyāt* is then detailed into five main aspects that must be maintained, namely the maintenance of religion (*hijz al-dīn*), jiwa (*hijz al-nafs*), harta (*hijz Al-Māl*), akal (*hijz al-'aql*), and descendants (*hijz al-nasl*). Some scholars also add protection of honor (*hijz al-'and*) as an important part that needs to be included in the list of basic needs.²¹

¹⁹ Quraish M. Shihab, *Tafsir Al-Misbah* (Jakarta: Lentera Hati, 2001), pp. 52-53.

²⁰ Abdul Waid and Niken Lestari, "Contemporary Maqashid Al-Shari'ah Theory In Islamic Law And Its Relevance To National Economic Development," *LABATILA DIARY* 4, no. 01 (30 December 2020): 94–110, <https://doi.org/10.33507/lab.v4i01.270>.

²¹ Jasser Auda, *Understanding Maqasid Syariah* (Selangor: PTS Islamika SDN. BHD, 2014).

Within the framework of *maqāṣid al-syarī'ah*, protection of the soul (*ḥifẓ al-nafs*) and harm prevention (DAF) *al-Mafāṣid* is the top priority. In the framework of *maqāṣid al-syarī'ah*, protection of the soul (*ḥifẓ al-nafs*) is one of the main purposes of the Shari'ah. This principle is based on the Qur'an through QS. al-Baqarah [2]:195.²² The general principle in the Shari'ah emphasizes that man does not have full authority over his body; life, health, and all the blessings bestowed by Allah are mandates that must be maintained. Therefore, any form of consumption that endangers health, including excessive eating or drinking, is not justified, as affirmed by Yusuf al-Qarḍāwī and strengthened by the prohibition of the Qur'an not to destroy oneself.²³ This is reflected in the words of Allah in the Qur'an. al-Baqarah:195:

وَاتَّقُوا فِي سَبِيلِ اللَّهِ وَلَا تُفْسِدُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ ۚ وَأَحْسِنُوا ۚ إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ

Walk in the way of Allah, do not plunge yourselves into destruction, and do good. Indeed, Allah loves those who do good (QS. al-Baqarah [2]: 195).

Historically, this verse came down in the context of the command to give inference and the prohibition of abandoning the struggle in the way of Allah, which can destroy the ummah. However, the mufasir like the Qurṭubī explains that the phrase *Wa lā tulqū bi-aidikum ilā al-tahlukah* has a general meaning that encompasses all actions that can lead humans to destruction, both physically and socially. Therefore, the meaning of *Al-Tablukah* is not limited to the context of war, but can be reconstructed as a general principle of sharia to prevent any form of behavior that threatens human survival.²⁴

This principle is reaffirmed by the hadith of the Prophet ﷺ:

حَدَّثَنَا عَبْدُ رَهِ بْنِ خَالِدٍ التَّمِيمِيُّ أَبُو الْمُغَلِّسِ، حَدَّثَنَا فَضِيلُ بْنُ سُلَيْمَانَ، حَدَّثَنَا مُوسَى بْنُ عُقْبَةَ، حَدَّثَنَا إِسْحَاقُ بْنُ يَحْيَى
بْنِ الْوَلِيدِ عَنْ عُبَادَةَ بْنِ الصَّامِتِ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَضَى أَنْ لَا ضَرَرَ وَلَا ضِرَارَ

"*Abd Rabbihi bin Khalid an-Numayri Abu al-Mugallis has narrated to us, Fudhayl bin Sulaiman has narrated to us, Musa bin 'Uqbah has narrated to us, Ishaq bin Yahya bin al-Walid has narrated to us from 'Ubadah bin ash-Shamit, that the Messenger of Allah صلى الله عليه وسلم stipulated (the law): 'It is not permissible to cause harm, and it is not permissible to harm each other.'*" (Narrated by Ibn Majah, Hadith 2340).²⁵

Departing from this rule, if cigarettes are scientifically proven to cause harm to health, then their consumption is a prohibited act. This prohibition is even stronger if a medical expert confirms that there is a specific risk for certain individuals due to smoking.

الَّذِينَ يَتَّبِعُونَ الرَّسُولَ النَّبِيَّ الْأُمِّيَّ الَّذِي يَجِدُونَهُ مَكْتُوبًا عِنْدَهُمْ فِي التَّوْرَةِ وَالْإِنْجِيلِ يَأْمُرُهُمْ بِالْمَعْرُوفِ وَيَنْهَاهُمْ عَنِ الْمُنْكَرِ
وَيُحِلُّ لَهُمُ الطَّيِّبَاتِ وَيُحَرِّمُ عَلَيْهِمُ الْخَبَائِثَ وَيَضَعُ عَنْهُمْ إِصْرَهُمْ وَالْأَغْلَالَ الَّتِي كَانَتْ عَلَيْهِمْ ۚ فَالَّذِينَ آمَنُوا بِهِ وَعَزَّرُوهُ وَنَصَرُوهُ
وَاتَّبَعُوا النُّورَ الَّذِي أُنْزِلَ مَعَهُ ۚ أُولَٰئِكَ هُمُ الْمُفْلِحُونَ

Those who follow the Messenger (Muhammad), the Prophet whose ummi (illiterate) (his name) they find written in the Torah and the Gospel that is with them. He commands them to be righteous, to prevent them from wrong, to make right all that is good for them, to forbid all that is bad for them, and to release the burdens and fetters that are upon them. (QS. al-A'rāf:157)

²² Yusuf Qardhawi, *Halal and Haram in Islam* (Surabaya: PT. Bina Ilmu, 1993).

²³ Shaykh Abdul bin Baz Aziz and Shaykh Muhammad al-Uthmaimin, "The Law of Smoking and Selling It," *IslamHouse*, 2011, 3–9.

²⁴ Imam Al-Qurṭhubi, *Tafsir Al-Qurṭhubi* (South Jakarta: Pustaka Azzam, 2007), pp. 819-824.

²⁵ Ibn Majah, *Sunan Ibn Majah*, ed. by Shu'ayb al-Arna'ūṭ and Fencedil Murshid (Beirut: Mu'assasah al-Risālah al-FenceLamiyyah, 2009).

The affirmation of the Qur'an in QS. al-A'rāf:157 that the Prophet ﷺ “*Enjoining the ma'ruf, preventing from the unrighteous, making permissible what is good (ṭAyyibāt), and forbidding the bad (khabā'ith)*” provides a normative basis for the ethics of the production of consumer goods, including cigarettes. In his commentary, al-Rāzī explains that al-ma'rūf includes all forms of goodness that are recognized by reason, sharia, and human nature, such as maintaining the sustainability of life, social affection, and not causing harm to oneself or others. On the other hand, al-munkar includes all actions that are dangerous, damaging health, disrupting social order, and not in line with the goals of sharia.²⁶ Thus, when cigarette consumption is proven to contain elements of ḍarar (danger) and cause destructive health effects, it is included in the category of khabā'ITH, which in principle is not suitable for production, promotion, or consumption.

Furthermore, al-Rāzī's explanation of khabā'ith as anything that is inherently seen as disgusting, destructive, or harmful to the soul reinforces the argument that products that have a destructive impact cannot be ethically legalized from the perspective of the Shari'ah.²⁷ Cigarettes that are scientifically proven to bring disease, reduce quality of life, and cause socio-economic burdens certainly fall into this category because they are contrary to the principle of life care (ḥifẓ al-nafs) and prohibition of causing harm (lā ḍArar wa lā ḍGoār).

It is in this context that the principle of social responsibility acquires its relevance. If sharia emphasizes the protection of life and the prohibition of all forms of actions that endanger oneself and others, then ethically individuals and organizations are required not only to avoid destructive production and consumption, but also to play an active role in realizing social benefits. From a modern economic perspective, the concept of Corporate Social Responsibility (CSR) is recognized as a moral and legal obligation for business actors to contribute to the welfare of society and protect its social environment.²⁸ This principle is in line with Islamic values that place the provision of benefits as part of the best qualities of a believer, and emphasizes ta'aruf as a relationship of mutual learning and mutual goodness. Thus, efforts to protect public health from the dangers of cigarettes and similar products are not only a demand of maqāṣid al-syarī'Ah, but also part of a broader social responsibility, where every individual or institution is obliged to do *al-iṣlāḥ*, namely self-improvement and the environment, and ensuring that every economic activity runs with benefits and does not bring damage.²⁹

Analysis of Cigarette Control Policy in the Perspective of Maqāṣid al-Syarī'ah and Systems Approach Jasser Auda

Within the framework of maqāṣid al-syarī'ah, protection of the soul (ḥifẓ al-nafs) and the preservation of property (ḥifẓ Al-Māl) both fall into the category of primary needs (ḍarūRyeyāl) that must be maintained. Both cannot be positioned in a rigid hierarchical manner, but must be understood in a dynamic and contextual relationship. It is at this point that cigarette control policies in Indonesia present maqāṣid tensions. This is because cigarettes are empirically proven to be harmful to public health, but economically they make a significant contribution to the country and the livelihoods of millions of people.

²⁶ Fakhr al-Dīn al-Rāzī, *Tafsīr al-Fakhr al-Raḥī: al-Musytahir and al-Tafsīr al-Qabid in Maḥath al-Ghayb*, vol. 15 (Beirut: Dār al-Fikr, 1981).

²⁷ al-Rāzī.

²⁸ Moh Bakir, "Social Responsibility in the Qur'an: An Analytical Study of the Term al-Islah," *KACA (The Gift of Allah's Light): The Dialogical Journal of Ushuluddin Science* 11, no. 1 (18 February 2021): 112–43, <https://doi.org/10.36781/kaca.v11i1.3252>.

²⁹ Kurnia Lirahmat, "The Social Responsibility of a Muslim," Mata Hati Charity Foundation, November 1, 2025.

In contemporary developments, Jasser Auda developed a *Systems Approach* that views maqāṣid al-syarī'ah as an interconnected system, not just five independent main goals. According to Auda, modern legal issues must be analyzed holistically by considering the interconnectedness of various dimensions, such as health, economy, social, political, and governance, so that the benefits are not partially understood. In the context of tobacco control, this approach suggests that the protection of life (*ḥifẓ al-nafs*) and the preservation of property (*ḥifẓ al-māl*) are not in a mutually negligible relationship, but must be integrated through policies that are able to produce overall benefits.³⁰

From the perspective of *ḥifẓ al-nafs*, cigarette consumption is clearly contrary to the purpose of the Shari'ah in maintaining human survival and health. Cigarettes have been scientifically proven to increase the risk of chronic diseases, reduce quality of life, and cause a large public health burden.³¹ In this context, states have a moral and constitutional responsibility to protect their citizens from systemic harm. Principles of harm prevention (*daf' al-Mafāsīd*) demand structural interventions to minimize the adverse effects of smoking, especially for vulnerable groups such as children and adolescents. Policies restricting advertising, banning the sale of retail cigarettes, increasing the age limit for purchase, and the inclusion of pictorial health warnings are manifestations of efforts to save lives on a collective scale.³²

Nevertheless, the approach *maqāṣid al-syarī'ah* in cigarette control cannot stop at the health dimension alone. Principle *ḥifẓ al-māl* requires the state to consider economic sustainability, considering that the tobacco industry absorbs millions of workers and makes a significant contribution through excise revenues.³³ A total ban on cigarettes has the potential to create a new socio-economic mafsadah, which in the end also threatens the welfare of people's lives and property. Therefore, it is necessary to reorient excise policy by placing the principle of "purpose above material", namely making excise an instrument of consumption control for the protection of public health (*ḥifẓ al-nafs*), not just optimizing state revenue. This reorientation requires the allocation of cigarette excise revenue in a targeted manner for the financing of diseases caused by smoking, health promotion, rehabilitation of smokers, and economic diversification for farmers and tobacco industry workers, so that tensions between *ḥifẓ al-nafs* and *ḥifẓ al-māl* can be managed proportionately and fairly.³⁴

Pictorial health warnings on cigarette packaging are a concrete example of how tensions between *ḥifẓ al-nafs* and *ḥifẓ al-māl* are practically managed. On the one hand, this policy serves as an instrument of life protection by providing strong visual information about health risks, thus encouraging consumers to reduce or stop cigarette consumption. On the other hand, this policy does not eliminate the economic activity of the tobacco industry, but rather directs it to run within the corridor of social responsibility and public ethics. Thus, pictorial warnings can be understood as an instrument of maqāṣid that bridges health and economic interests.

³⁰ Muhammad Baiquni Syihab, "Critical Analysis Of Jasser Auda's Thought In The Book ' Maqasid Al-Shariah As Philosophy Of Islamic Law : A Systems Approach ,' " *An-Nur : Journal of Islamic Studies* 15, no. 2 (2023): 114–36, pp. 121-134.

³¹ Nur Afiani, Reni Mardika Munzirin, and Rubianti Rubianti, "The Dangers of Smoking for the Health of the Elderly: A Review of the Literature," *Research of Service Administration Health and Sains Healthys* 4, no. 2 (31 December 2023), <https://doi.org/10.58258/rehat.v4i2.6698>.

³² Jum'atil Fajar, "Protect the Young Generation, Government Issues Government Regulation No. 28 of 2024 for Tobacco Product Control," Kapuas Regency Health Office, May 14, 2025.

³³ Riyadi Santoso, "Tobacco Control Policy Dilemma In Indonesia," *Study* 21, no. 3 (September 2016): 201–19.

³⁴ Rizkayadi Sjukri, "Irony of cigarette excise: state revenue or health disaster in the perspective of islamic economics," indonesian ulema council, south sulawesi, september 2025.

This balanced approach is in line with the rules of *fiqh irtikāb akhaff al-dararayn* (taking lighter harm to prevent greater harm).³⁵ In the context of cigarettes, allowing production and consumption to take place without control will magnify the damage to public health, while a total ban has the potential to cause widespread socio-economic shocks. Therefore, control policies through strict regulation, education, and restrictions can be seen as a less harmful option to maintain greater benefits.

The tension between the principles of *hijz al-nafs* and *hijz al-māl* in cigarette control policies in Indonesia can be seen in the government's decision to postpone the increase in cigarette excise in 2026 as an effort to maintain socio-economic stability in the short term amid the vulnerability of labor-intensive industries, without relinquishing the long-term orientation to the protection of public health. Within the framework of Jasser Auda's Systems Approach, this problem is not seen as a choice between health or economic interests, but as part of a public policy system that involves various actors and dimensions that affect each other, ranging from public health, state revenue, the sustainability of tobacco farmers, industrial labor, to the protection of the younger generation. Therefore, cigarette control needs to be directed gradually (*tadarru*) through adaptive regulations, education, optimization of the use of excise funds for the health sector, and the provision of economic alternatives for affected groups.³⁶ Thus, the *maqāṣid al-syarī'ah* approach enriched through *the Systems Approach* shows that benefits are not achieved by prioritizing one *maqāṣid* and ignoring another, but through the proportionate integration of various sharia objectives in a just and sustainable policy system.

Conclusion

This study shows that cigarette control policies in Indonesia reflect the tension between the two main goals of *maqāṣid al-syarī'ah*, namely the protection of the soul (*hijz al-nafs*) and the preservation of property (*hijz al-māl*). On the one hand, various regulations such as pictorial health warnings, advertising restrictions, sales bans to children, and restrictions on the sale of retail cigarettes are a form of the state's commitment to protecting public health from the adverse effects of cigarette consumption. These policies are in line with the principles of the Qur'an regarding the prohibition of causing harm, protecting lives, and encouraging the realization of benefits.

On the other hand, the government has not implemented a total ban on the tobacco industry because this sector still contributes to state revenue and is a source of livelihood for farmers, workers, and business actors. This condition shows that cigarette control policies do not only consider health aspects, but also pay attention to economic sustainability. Therefore, the control approach was chosen as a middle way to maintain a balance between *hijz al-nafs* and *hijz al-māl*.

Through the perspective of *Jasser Auda's Systems Approach*, this study emphasizes that the two goals should not be contradicted, but integrated into one comprehensive policy system. Cigarette control needs to be carried out gradually through adaptive regulations, public education, the use of excise funds for health financing, and the provision of economic alternatives for those who depend on the tobacco industry. Thus, benefits are not achieved by prioritizing one sharia goal and ignoring another, but through policies that are able to protect public health while maintaining socio-economic stability fairly and sustainably.

³⁵ Irwan Nurdianto, Achmad Musyahid, and Andi Muhammad Akmal, "Rules Related Mafsadat/The Saling Face-to-face," *Socius* 3, no. 1 (2025): 101–4.

³⁶ Triya Andriyani and Aldi Firmansyah, "The Policy of Postponing the 2026 Cigarette Excise Increase Becomes a Balance Test," Gadjah Mada University, November 13, 2025.

The contribution of this research lies in the analysis of cigarette control policies by integrating the perspectives of *maqāṣid al-syari'ah* and Jasser Auda's Systems Approach. This approach shows that cigarette control policy is not enough to be understood as a legal or health issue alone, but as a system that involves integrated health, economic, social, and governance dimensions. This integration provides a new perspective in the study of tobacco policy based on Qur'anic values, while enriching the development of *maqāṣid al-syari'ah* studies in answering contemporary public policy issues.

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