

# Civil Legal Liability for Passive Smoking

Dr. Atef salem Al Awamleh

Faculty of Law, Al-Balqa' Applied University, Jordan

*Dr.atefalawamleh@bau.edu.jo*

<https://orcid.org/0009-0001-9061-4289>

## Abstract:

**Purpose** :This study came to address the legal responsibility of the smoker who spreads his poison in the air without regard for others, especially in closed places, or where children are present, believing that smoking is a personal right that others may not object to these practices, while a person's freedom depends on the rights of others.

**Design/Methodology/Approach** : The researcher used the analytical method to analyse a material fact that represents a personal right on the one hand. On the other hand, it represents a legal situation that causes harm to others. This is through the attribution of legal rules of civil liability for smoking damage to others.

**Findings** : In this study, we found that there is no special law that allows those harmed by secondhand smoke to claim compensation from the smoker. However, according to the general rules of legal liability, the injured can claim from the smoker for the damage caused by secondhand smoke.

The injured person can also claim compensation from the employer for the damage caused by smoking because the employer did not provide a safe environment for the employee.

**Practical implications** : The legislative aspect consists of directing government agencies to develop special laws that protect the rights of others from the harmful effects of smoking, especially vulnerable groups in society such as children and the elderly. And a judicial aspect, so that the judiciary takes the legal responsibility of the smoker.

**Originality / Value** : Creating a legal position on the effects of passive smoking . And the creation of a legal culture in defining the limits of personal rights and not arbitrarily using personal rights to harm others.

**Keywords**: *Smoker, Passive Smoking, Damages, Legal Liability.*

**DOI**: 10.7176/JLPG/148-01

**Publication date**: June 28<sup>th</sup> 2025

## I. INTRODUCTION

The environment where smoking takes place faces substantial dangers from passive smoking which causes harm to all living entities including humans, animals and plants. The most concerning health consequence for humans exists when nonsmokers breathe in tobacco smoke because it triggers dangerous effects on the respiratory and dermal systems.

A person's constitutional right to personal freedoms exists but these liberties are limited by the law. The constitutional freedom to pursue specific behaviors including tobacco smoking and narcotics use meets restrictions when actions result in damage to others. Passive exposure to smoking leads to adverse effects which affect both the smoker as well as the people near them. Smokers cause multiple health problems in nonsmokers through weakened defenses and breathing problems and brain functions losses especially with drugs. In addition, many international agreements and global organizational resolutions and national smoking regulations prioritize personal smoking freedom and do not protect non-smokers from smoking harms. The current regulations establish smoking restrictions in specific areas while designating separate zones but they do not address the legal position of people who suffer from secondhand smoke exposure.

Precisely, this research demonstrates why non-smoker protection under the law needs immediate implementation. The study works to establish legal provisions enabling exposed people to obtain payment for the damage they receive from secondhand smoke exposure. The research analyzes whether organizations should face responsibility for workplace secondhand smoke exposure through their employees who smoke. Therefore, this research tackles the main problem that specific legal protections against passive smoking exposure do not exist for non-smokers. The lack of proper legal regulations about passive smoking protection appears in both

domestic national laws and international treaties. Research investigates two main points regarding passive smoking issues: it evaluates victims' ability to file damages claims against smokers while assessing whether workplace exposure to secondhand smoke can qualify as compensable occupational harm.

The research holds essential value because of two main factors. The first is the analysis of national legal frameworks especially Jordanian law demonstrates theoretical value because it investigates general legal provisions about harmful act liability and determines their suitability for passive smoking cases. The second is the research sets out to establish legal mechanisms which protect people adversely affected by passive smoking with effective rights. The study promotes the necessity of establishing specific legal standards beyond conventional legal principles to protect nonsmokers by acknowledging passive smoking as a type of compensable harm. The research emphasizes the necessity of judicial action to let affected individuals request compensation when they experience damages from passive smoking.

This study employs a descriptive and analytical approach by examining and interpreting legal provisions relevant to civil liability and their application to passive smoking.

## II. THE CONCEPT OF PASSIVE SMOKING

The right to live in a safe and unpolluted environment is a fundamental human right. One of the significant environmental threats to human health is smoking, particularly in public or enclosed spaces. The spread of smoke in the surrounding environment releases harmful substances. They affect not only the air quality but also the health of individuals present in that space. To analyze this issue, the study tries to define the passive smoking and examines the characteristics of a passive smoker.

### A. Definition of passive smoking

Legislative texts have not explicitly defined passive smoking, nor have they provided a direct definition of smoking or smokers. However, they have addressed tobacco products and smoking prohibitions in public places. According to Article 52 of the Jordanian Public Health Law,<sup>1</sup> tobacco products are defined as: "Products consisting wholly or partially of tobacco leaves as a raw material, manufactured for use through smoking, sucking, chewing, or inhaling." The same law defines a public place as: "Any place designated for public access or for a specific group of people, such as hospitals, health centers, schools, cinemas, theaters, public libraries, museums, government and non-government buildings, public transportation, airport lounges, sports facilities, lecture halls, restaurants, hotels, internet cafes, tourist facilities, and any other place designated as public by the Minister through an official publication." (Jordanian Public Health Law No. 47 of 2008 and its amendments).<sup>2</sup>

Furthermore, a subsequent article in the same law prohibits smoking in public places, while allowing exceptions under specific conditions upon approval by the Minister of Health (Act 53 of the Jordanian Public Health Law).<sup>3</sup> Additionally, the Public Health Protection Regulation on the Hazards of Smoking further regulates smoking in public places. Act 3 of the regulation states: "All individuals are prohibited from smoking any type of tobacco in any public premises during periods when the public frequents or uses such premises, except in designated smoking areas that meet the conditions approved by the Minister" (Regulation No. 64, 2017).<sup>4</sup>

---

<sup>1</sup> Article 52 of Public Health Law No. 47 requires health warnings approved by Jordanian Standards and Metrology or the Ministry of Health to be displayed on all tobacco products produced, imported into, or sold in the country.

<sup>2</sup> Public Health Law No. 47 of 2008 consists of 75 articles aims at regulating issues related to the public health system in the Kingdom of Jordan. The Law governs all professions related to public health and conditions and necessary procedures required for practicing in the medical profession.

<sup>3</sup> Article 53 consists of three main regulations: A- It is forbidden to smoke any tobacco products in public places, although it is permissible by decision of the Minister upon the recommendation of the competent health director to specify a special place in which smoking is permitted in the public place provided that the public's health and safety are taken into account, and that this place is clearly declared in a prominent place in the Arabic language . B - Notwithstanding what is stated in Paragraph (A) of this Article, smoking is prohibited in kindergartens and kindergartens in the public and private sectors, and the concerned departments in cooperation with the Ministry shall set the controls to implement this prohibition. C - The person responsible for the public place is obligated to put a billboard with a clear line bearing the phrase (no smoking) and the indication for that in prominent places, and he must make the necessary arrangements to monitor compliance with that. [https://www.moh.gov.jo/ebv4.0/root\\_storage/en/cb\\_list\\_page/public\\_health\\_law\\_no\\_\(47\)\\_for\\_year\\_2008\\_and\\_its\\_changes.pdf](https://www.moh.gov.jo/ebv4.0/root_storage/en/cb_list_page/public_health_law_no_(47)_for_year_2008_and_its_changes.pdf)

<sup>4</sup> Article (46) The following things are considered unhealthy: A- The flow, discharge or emptying of the contents of absorbable or solid pits,

The absence of an explicit definition of “smoker” or “smoking” in legislation indicates that smoking is generally considered a permissible act under Jordanian law, as part of individual freedoms. However, these freedoms are subject to legal restrictions, particularly concerning smoking in public places, as legislated by the Jordanian government. Therefore, based on Act. 52, a smoker can be defined as: “A person who consumes tobacco products by smoking, sucking, chewing, or inhaling them”. Thus, a passive smoker, conversely, is a non-smoking individual who is exposed to tobacco smoke in a shared environment. This includes non-smokers who involuntarily inhale smoke from a nearby smoker, as well as individuals who use tobacco products through methods other than direct smoking (such as sucking or chewing) and suffer adverse health effects due to exposure to secondhand smoke.

The Jordanian Ministry of Health describes passive smoking as the exposure of non-smokers to tobacco smoke in enclosed environments on its official website (Moh.gov.jo). Moreover, Jordan has ratified the World Health Organization’s Framework Convention on Tobacco Control (FCTC) in 2004.<sup>1</sup> Article: 8,<sup>2</sup> Protection from exposure to second hand tobacco smoke, states that parties of the convention must acknowledge the solid scientific data which proves tobacco smoke exposure leads to fatalities and illnesses and disabilities among people. Member Parties of the convention must introduce defense against tobacco smoke exposure in indoor workplaces and public transport and public indoor areas while actively supporting this measure at subsidiary jurisdiction levels.

The above text highlights that the convention explicitly addresses passive smoking. The phrase ‘exposure to tobacco smoke’ directly refers to passive smoking and extends beyond active tobacco consumption. It also emphasizes the health risks associated with such exposure, including death, disease, and disability. Therefore, passive smoking is also known by various terms such as indirect smoking, involuntary smoking, or environmental tobacco smoke exposure.<sup>3</sup> The World Health Organization defines passive smoking as “the smoke that fills restaurants, offices, or other enclosed spaces when people burn tobacco products. There is no safe level of exposure to secondhand tobacco smoke.”<sup>4</sup> Another definition describes passive smoking as involuntary (or forced) smoking, where non-smokers inhale tobacco smoke emitted from burning tobacco products or exhaled by smokers.<sup>5</sup>

## **B. Characteristics of a passive smoker**

Exposure to smoke emitted by a smoker is a physical reality caused by the act of smoking within a shared environment. As a result, passive smokers possess certain characteristics due to their exposure to this situation:

## **C. A Passive smoker is forced to inhale smoke**

---

analytical tanks or leaching tanks in places other than those designated by the concerned official authorities, as well as the discharge of wastewater from purification plants without completing the treatment stages. B- Medical, liquid, solid or gaseous wastes resulting from health care institutions such as hospitals, health centers, medical clinics, laboratories, radiology centers, vaccine production centers, blood banks, drug factories, warehouses, and health research centers unless any of them is managed in a healthy manner, in accordance with the provisions of the legislation in force.

[https://www.moh.gov.jo/ebv4.0/root\\_storage/en/eb\\_list\\_page/public\\_health\\_law\\_no\\_\(47\)\\_for\\_year\\_2008\\_and\\_its\\_changes.pdf](https://www.moh.gov.jo/ebv4.0/root_storage/en/eb_list_page/public_health_law_no_(47)_for_year_2008_and_its_changes.pdf)

<sup>1</sup> The WHO Framework Convention on Tobacco Control (WHO FCTC) is the first international treaty negotiated under the auspices of WHO. There are currently 181 Parties to the Convention. It was adopted by the World Health Assembly on 21 May 2003 and entered into force on 27 February 2005. It has since become one of the most rapidly and widely embraced treaties in United Nations history.

<https://nhm.gov.in/index1.php?lang=1&level=3&sublinkid=1126&lid=636>

<sup>2</sup> Ibid. <https://nhm.gov.in/index1.php?lang=1&level=3&sublinkid=1126&lid=636>

<sup>3</sup> Boujemaa, H., and S. Bournane. "Health Education and Its Importance in Reducing the Effects of Passive Smoking on Society." (2024) 601. *Al-Jami' Journal for Psychological Studies and Educational Sciences* 9 (2): 595–613. <https://asjp.cerist.dz/en/article/257906>.

<sup>4</sup> Second-hand smoke is a mixture of the smoke from the burning tip of a cigarette and the smoke exhaled by a smoker. When second-hand smoke contaminates the air, especially in enclosed spaces, it is inhaled by everyone, exposing both smokers and non-smokers to its harmful effects. It causes lung cancer in non-smokers and increases the risk of coronary heart disease. <https://www.emro.who.int/tfi/quit-now/secondhand-smoke-impacts-health.html>

<sup>5</sup> Al-Rashidi, W. "Legal Liability Arising from Smoking Damages." (2016) 792. *Tikrit University Journal of Law* 1 (2): 783–825. <https://www.iraqoj.net/iasj/article/141308>.

Tobacco smoke pollutes the surrounding environment and harms individuals in that space. Since air is essential for human life, individuals present in a smoke-filled environment cannot avoid inhaling the polluted air, making them passive smokers involuntarily.<sup>1</sup> In most cases, a passive smoker does not immediately notice any symptoms of harm, preventing them from taking action to avoid exposure. The risk is even greater for vulnerable individuals, such as children, who may lack the ability to distance themselves from smokers. The problem intensifies in households where smoking occurs, as it exposes elderly family members, children, and women to harmful effects, particularly respiratory diseases. Establishing a direct causal link between smoking and health conditions in such cases is often challenging.

#### **D. Passive smokers deprived of their right to health protection**

Health is a fundamental right safeguarded by legal frameworks. Smoking negatively affects human health, while environmental well-being is crucial for sustaining life. The right to a clean environment is recognized in national laws, international treaties, and human rights declarations.<sup>2</sup> In addition, within the Arab human rights framework, Act 38,<sup>3</sup> of the Arab Charter on Human Rights, states that every person has the right to an adequate standard of living for themselves and their family, ensuring well-being and dignity, including food, clothing, housing, and services, and has the right to a healthy environment. States Parties shall take the necessary measures according to their capacities to implement these rights. So, passive smoking, also referred to as forced smoking, represents a direct violation of an individual's right to health and a safe, pollution-free environment. Therefore, a significant issue regarding passive smoking in homes is the difficulty in holding the smoker accountable, particularly when the smoker is a family member such as a father or brother. The social and familial bonds often create a moral barrier that prevents legal action against the smoker for causing harm.

#### **F. Passive smoker suffers harm from smoking**

Passive smoking shares many similarities with active smoking in terms of health, psychological, social, and economic consequences. The key difference lies in the source of exposure—active smoking results from directly consuming cigarettes, while passive smoking results from exposure to smoke exhaled by a smoker or emitted from burning tobacco products. The harmful effects of passive smoking include cardiovascular diseases, respiratory tract irritation, and increased susceptibility to bronchitis and pneumonia, particularly in children.<sup>4</sup> Moreover, the smoke inhaled by non-smokers constitutes a dangerous chemical mixture composed of both the side stream smoke emitted from the burning cigarette tip and the mainstream smoke exhaled by active smokers. When this tobacco smoke pollutes the air - particularly in confined indoor spaces - it creates involuntary exposure for all present, systematically violating fundamental health rights while simultaneously establishing grounds for civil liability under tort law principles. Scientific evidence confirms this exposure causes lung cancer in non-smokers and increases coronary heart disease risks by 25-30% (WHO, 2025)<sup>5</sup>.

In addition, the epidemiological reality reveals disturbing patterns: globally, secondhand smoke causes approximately 600,000 preventable deaths annually, disproportionately affecting women (64% of fatalities) and children - evidenced by the 38% exposure rate among 13-15 year-olds in Eastern Mediterranean households

<sup>1</sup> Al- Aqaila, Z. "The Right of a Passive Smoker to Sue an Active Smoker for Damages Caused by Cigarette Smoke Exposure." (2014) 31. *Al-Ma'arif Journal* 10 (18): 29–72. <https://asjp.cerist.dz/en/article/93231>.

<sup>2</sup> Kweiz, I. "The Legitimate Interest in Criminalizing Smoking." (2019) 392. *Journal of Legal Sciences, College of Law – University of Baghdad* 2: 382–408. <https://jols.uobaghdad.edu.iq/index.php/jols/article/view/247/205>.

<sup>3</sup> Everyone shall have the right to an adequate standard of living for himself and his family, ensuring well-being and a decent life, including adequate food, clothing, housing, services and a right to a safe environment. The State Parties shall take appropriate measures within their available resources to ensure the realization of this right. 159. [https://www.eods.eu/template/default/compendium/Part%209/006\\_Arab\\_Charter\\_on\\_Human\\_Rights.pdf](https://www.eods.eu/template/default/compendium/Part%209/006_Arab_Charter_on_Human_Rights.pdf)

<sup>4</sup> *Boujema* (n 7) 603.

<sup>5</sup> The WHO Framework Convention on Tobacco Control (WHO) is the most powerful tool available to address the negative effects of tobacco use. There are 180 States Parties to the WHO FCTC, including 19 out of 22 countries in the Eastern Mediterranean Region. This reflects countries' commitment at the national level to implement tobacco control policies, thereby saving lives. The implementation of the legally binding and evidence-based treaty provisions could also help governments achieve the target of reducing the current proportion of tobacco use by 30% by 2025. [World Health Organization | Regional Office for the Eastern Mediterranean | WHO FCTC | TFY](https://www.who.int/regions/euro/who-fctc-tfy)

(WHO, 2025).<sup>1</sup> This constitutes a systemic failure of duty-of-care obligations, as fewer than 25% of homes maintain smoke-free environments and merely half of schools prohibit teacher smoking.

Toxicological analysis identifies 7,000 chemical compounds in tobacco smoke, including 250 hazardous substances such as hydrogen cyanide (a cellular asphyxiant), carbon monoxide (present at 3-5% concentration), and ammonia (a respiratory irritant). Most alarmingly, 69 of these compounds are classified as known or probable carcinogens, including arsenic (a Group 1 IARC carcinogen) and beryllium (a DNA-damaging agent) (Jordanian Ministry of Health 2023). From a legal perspective, this chemical profile satisfies the "substantial certainty of harm" standard required for intentional tort claims in many jurisdictions.

Consequently, the passive smoker sustains harm through both direct and indirect exposure pathways. Such harm may manifest either immediately following exposure or after a prolonged latency period. This observation carries significant medico-legal implications. From a tort law perspective, the dual nature of harm manifestation creates complex causation challenges. Acute effects (e.g., respiratory distress) satisfy traditional proximate cause standards, while latent conditions (e.g., cancer development after 20+ years) require application of toxic tort doctrines like the "discovery rule" for statute of limitations purposes (Restatement (Third) of Torts §28)<sup>2</sup>.

Therefore, the current regulatory landscape reveals critical gaps in protection. The absence of any safe exposure threshold (per the WHO's linear dose-response model) combined with inadequate restrictions in private dwellings creates what public health jurists term "regulatory negligence". This legal vacuum becomes particularly egregious when considering children's rights under CRC Act 24,<sup>3</sup> which mandates special protection from harmful environmental exposures. Besides, the potential legal remedies include negligence claims for failure to prevent foreseeable harm, nuisance actions for unreasonable interference with health, and strict liability arguments given the ultrahazardous nature of tobacco smoke dispersion in confined spaces. The developing doctrine of "third-hand smoke" liability may further expand culpability to include property owners who permit smoking in multi-unit dwellings. These legal interpretations suggest an urgent need for legislative reforms establishing presumptive liability for smoke-related illnesses and mandatory biomarker testing in pediatric exposure cases.

### III. THE CIVIL LIABILITY OF SMOKERS FOR HARM CAUSED TO PASSIVE SMOKERS

Civil liability refers to the extent to which a person who commits an act may be held accountable for the harm caused to others if that act results in damage. Civil liability is an obligation imposed on an individual to compensate for harm inflicted upon another, whether this obligation is explicitly stipulated in legal texts or not. It is **contractual** when it arises from a breach of an existing agreement between the wrongdoer and the harmed party, and **tortious** when it results from a violation of a general legal obligation that prohibits causing harm to others, regardless of whether the violation was intentional or unintentional.<sup>4</sup>

For the purpose of examining civil liability concerning passive smoking, this section is divided into two subsections as follows:

#### A. The legal basis for civil liability arising from passive smoking

For a victim of passive smoking to successfully sue a smoker for damages, there must be a solid legal foundation granting them this right. However, this becomes legally complex because the smoker, when engaging

---

<sup>1</sup> The WHO FCTC includes measures to reduce tobacco demand and others to reduce tobacco production, distribution, supply and supply. The Protocol to Eliminate Illicit Trade in Tobacco Products is the main policy instrument aimed at reducing tobacco use and its health and economic consequences. The objective of this Protocol is to eliminate all forms of illicit trade in tobacco products, in accordance with the provisions of Article 15 of the WHO Framework Convention on Tobacco Control.

<sup>2</sup> <https://opencasebook.org/casebooks/9130-torts/resources/4.4.7-restatement-third-of-torts-on-general-v-specific-causation/>

<sup>3</sup> I. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

<sup>4</sup> Faiq, L. *Civil Liability in Law*. (2017) 18. Erbil: Ministry of Justice.

in smoking, is also exercising a right not prohibited by law. This raises a fundamental conflict. Actually, both parties are exercising legally recognized rights, the smoker's right to personal freedom versus the non-smoker's right to health and a safe environment. The question then becomes: Which right takes precedence?

To resolve this, the legal basis for liability must be carefully and transparently established. This foundation can be divided into several key legal principles.

### ***B. Abuse of rights (exceeding legal limits of a right)***

While a smoker is exercising a legal right, no right is absolute. Every right is a legal privilege granted with limitations, meaning it cannot infringe upon the rights of others or cause them harm. This principle is codified in Act 66 of the Jordanian Civil Code, which states:

#### **Abuse of Right:**

1. *Liability shall be imposed on anyone who exercises their right unlawfully.*
2. *The exercise of a right shall be considered unlawful if:*
  - a. There is intent to harm (*dolus malus*).
  - b. The intended benefit is unlawful.
  - c. The benefit to the right-holder is disproportionate to the harm caused to others.
  - d. The act exceeds customary norms and practices."

According to the aforementioned article, any individual who exercises their right in an unlawful manner shall be liable for compensating damages resulting from such exercise. This principle applies in two specific instances outlined in the same provision: first, when there is an intentional infringement, and second, when the benefit derived from exercising the right is disproportionate to the harm inflicted on others.

The determination of abuse of rights is based on a balance between the benefit gained by the right-holder and the harm caused to others. If both benefit and harm coexist, the assessment hinges on which outweighs the other. If the benefit prevails, the right may be exercised despite the resulting harm. However, if the harm outweighs the benefit, the exercise of the right must cease to prevent undue injury to others.<sup>1</sup> Consequently, every right has a defined scope, consisting of the privileges and powers granted to its holder to achieve a legally protected benefit. The right-holder is entitled to exercise their right in a manner and method they deem appropriate within legal limits. If the right is exercised within these bounds, the holder is not liable for any harm caused to others. However, if the right-holder exceeds the objective limits of the right or its intended scope, they are considered to have overstepped and are thus liable for any damage inflicted on others.<sup>2</sup>

Therefore, when an individual exercises their right in an unlawful manner, they deviate from the intended purpose for which that right was granted. The law provides the injured party with the ability to prevent harm if it is ongoing and to seek compensation for damages suffered due to the wrongful exercise of that right.<sup>3</sup> This principle establishes a legal basis for holding smokers accountable for harm caused to others due to smoking. It serves as a foundation for liability claims arising from wrongful acts, as the smoker's conduct exceeds the boundaries of personal freedom when it results in harm to others.

A particularly contentious issue in this context is smoking within private homes. The evidence against passive smoking is overwhelming, demonstrating its detrimental health effects. However, smoking in residential

---

<sup>1</sup> Al-Jundi, M. S. *Tort Liability: Liability for Harmful Acts*. 2nd ed. (2022) 440. Amman: Dar Al-Thaqafa.

<sup>2</sup> Al-Zoubi, A. *Introduction to Law Science*. 2010. 235-7. Amman: Dar Ithraa Publishing.

<sup>3</sup> Al-Haddad, M. *Principles of Law Science*. (2017) 251. Amman: Dar Al-Thaqafa.



settings remains a highly debated matter, often leading to internal conflicts within families concerning individual rights. The smoker asserts their right to smoke in their home, while the non-smoker (passive smoker) opposes such behavior due to its harmful consequences. In many cases, opposition arises out of concern for vulnerable family members who cannot protect themselves, such as young children or the elderly. For instance, a spouse may object to smoking within the home to safeguard their children from exposure. Consequently, the smoker's actions may be regarded as an infringement upon the well-being of other household members, necessitating balanced legal measures to mitigate the harmful effects of such conduct.

### C. Tortious liability for harmful acts

When examining smoking through the lens of civil law, several fundamental tensions between personal freedoms and communal welfare occurred. Law recognizes smoking activities as legal but Jordanian jurisprudence through Act 66 of the Civil Code emphasizes absolute rights do not exist. Under the abuse of right doctrine, the exercise of privileged conduct becomes problematic because it disproportionately impinges on someone else's well-being particularly through four categories which include intentional harm and seeking unlawful benefits as well as causing disproportionate damage relative to one's personal gain and breaking social norms. From a legal perspective, the third element of this test becomes objectionable in court because scientifically demonstrated health dangers to observers outweigh the minimal individual satisfaction from smoking during shared usage.

Judicial authorities perform a balancing test by evaluating the benefits received by the smoker against the collective damage suffered. Medical science today clearly establishes secondhand smoke as carcinogenic since it includes 69 known carcinogens based on WHO data which strongly weighs against the smoker when exposure happens inadvertently in homes or public areas. Courts now interpret this case under Act 66(c) as a "disproportionate impact" situation that makes trivial smoking pleasure insufficient to justify subjecting people to known health hazards which qualifies this activity as abusive right use.

Tortious liability is established under Jordanian Civil Law, which explicitly holds individuals accountable for harm inflicted upon others. Act 256 of the Jordanian Civil Code,<sup>1</sup> states: "Any harm caused to another obliges the perpetrator, even if not legally competent, to provide compensation for the damage." Similarly, Act 256<sup>2</sup> stipulates: "Harm may be inflicted either directly or indirectly." These provisions form the legal basis for holding individuals accountable for actions that cause harm to others.

Harm, in legal terms, is defined as exceeding the permissible limits of conduct or failing to meet the necessary standard of behavior, resulting in damage to another party. As stated by Al-Jubouri,<sup>3</sup> "harm is the deviation from legal obligations or an overstepping of legally defined rights that leads to damage, whether intentional or due to negligence". This constitutes the basis for civil compensation. Additionally, Al-Daoudi,<sup>4</sup> asserts that "tortious liability serves as a legal consequence for violating the general duty imposed on all individuals—not to harm others".

For tortious liability (liability for harmful acts) to be established, three essential elements must be met:

---

<sup>1</sup> The general rule governing injurious acts is set out in Article 256 of the Jordanian Civil Code: Every injury inflicted on others shall bind the perpetrator, though he be a minor, to make compensation for such injury. <https://wilmap.stanford.edu/entries/civil-code-law-no-43-1976>

<sup>2</sup> Article 256 of the Jordanian Civil Code provides that "every injurious act shall render the person who commits it liable for damages even if he is a non-discerning person." Three elements must be present for tort liability to arise under the Jordanian Civil Code: (i) a fault or error (which may be either an act or a failure to act); (ii) damage to another; and (iii) a causal connection between the fault and damage. <https://wilmap.stanford.edu/entries/civil-code-law-no-43-1976>

<sup>3</sup> Al-Jubouri, Y. *General Theory of Obligations and Personal Rights*. (2023) 331. Amman: Dar Al-Thaqafa.

<sup>4</sup> Al-Daoudi, G. "The Position of Islam, Law, and Judiciary on the Harms of Smoking as a Harmful Act." (2004) 222. *Journal of Damascus University for Economic and Legal Sciences* 20 (1): 197–255. <https://www.damascusuniversity.edu.sy/mag/law/old/economics/2004/20-1/ghaleb.pdf>.

### *Firstly, The Element of Harm (The Harmful Act)*

This is the material component of liability, requiring the commission of an act that leads to civil liability. Some legal systems, including French and Egyptian law, adopt the principle of fault-based liability, which necessitates the presence of fault or negligence. However, a key criticism of this approach is that fault requires awareness and discernment; therefore, civil liability would not apply if the perpetrator lacks legal competence. In contrast, Jordanian law bases liability on the act of causing harm itself. Consequently, liability can be imposed even on individuals with limited legal capacity.

For an individual to be held responsible for compensation, the harm caused must be the result of their actions, either directly or indirectly. Legal scholars generally agree that direct harm results from a positive act by the perpetrator. Al-Jubouri<sup>1</sup> explains that “direct harm is always linked to an affirmative action that produces damage.” Therefore, applying this to smoking, the material element of harm is evident when an individual smokes tobacco in the presence of others. It forces them to inhale air contaminated with the harmful byproducts of tobacco combustion.

In this case, the smoker has committed a positive act, smoking, that results in harm to non-smokers. This forms the basis for civil liability in cases of passive smoking.

### *Secondly, The Harm Element (Damage Act)*

Just as physical harm constitutes a form of damage, moral damage must also be considered. However, it is generally not conceivable that passive smoking alone causes moral damage in the absence of accompanying material harm. Passive smoking does not inherently lead to emotional distress, harm to reputation, or damage to honor, which are key components of moral damage. Thus, physical damage is the central and most essential element in establishing civil liability for passive smoking. The health consequences of passive smoking are numerous and varied. These include lung diseases and bronchial disorders, with lung cancer being the most severe, as well as negative effects on the cardiovascular system, nervous system, digestive system, eyes, and skin, among others.<sup>2</sup>

If the injured party can prove that their physical harm resulted from passive smoking, the responsible party is liable for compensating these damages. The scope of liability is not limited to physical harm alone, as such harm often leads to financial losses. A victim of passive smoking who contracts a serious illness will inevitably face financial burdens, such as medical expenses and loss of income due to an inability to work. For instance, if a person develops lung cancer due to prolonged exposure to secondhand smoke, they may suffer financial damage in the form of high treatment costs and lost wages. Furthermore, moral damage may accompany physical damage, as a person diagnosed with a serious illness due to passive smoking may experience significant emotional distress. The legal system recognizes that in cases where a victim develops a life-threatening illness such as cancer due to passive smoking, the emotional and psychological suffering constitutes a form of moral damage.

Among the various forms of damage associated with passive smoking, aesthetic damage is also of considerable importance. The effects of smoking-related diseases are not limited to internal health issues; they can also cause visible changes to an individual’s physical appearance, leading to psychological suffering and social consequences. Aesthetic damage is defined as harm affecting a person’s outward appearance, such as disfigurement or loss of a body part, disrupting the natural symmetry and harmony of their physical features. Such damage alters the natural form in which a person was created, leading to an abnormal or unrecognizable state (Al-Ammawi, 2014, p. 469).<sup>3</sup>

### *Thirdly, The Element of Causality*

For legal liability to be established, it is insufficient to merely demonstrate the occurrence of a harmful act; a direct causal link must be proven between the act (passive smoking) and the damage suffered. In other

---

<sup>1</sup> Al-Jubouri (n24) 223.

<sup>2</sup> Al-Daoudi (n25) 201.

<sup>3</sup> Al-Ammawi, M. "Compensation for Aesthetic Damage." (2014) 469. *Journal of Sharia and Law Sciences*, 41 (1): 466–82.



words, the plaintiff must show that exposure to passive smoking was the direct and primary cause of their injury.<sup>1</sup>

A study conducted in 2006 found sufficient evidence to conclude that exposure to passive smoking is causally linked to cardiovascular diseases. The study further demonstrated that the incidence of such diseases decreased when individuals were placed in smoke-free environments.<sup>2</sup> The burden of proving causation falls upon the plaintiff in liability lawsuits. Establishing causation is a fundamental and independent element of civil liability. The plaintiff must clearly and unequivocally demonstrate the causal relationship between passive smoking and the harm suffered. If any doubt arises regarding causality, liability cannot be established, leading to the dismissal of the claim.<sup>3</sup>

Upon careful examination of the legal elements of liability for harmful acts, it becomes evident that proving causality is the most challenging aspect for claimants. This complexity arises due to the nature of passive smoking-related harm and the difficulty in isolating it as the sole cause of the damage. Environmental pollutants, exposure to other smokers, and even the plaintiff's own behaviors may contribute to the harm, creating substantial legal obstacles. Consequently, medical expertise is crucial in verifying the causal link between exposure to secondhand smoke and the resulting damage. Expert analysis can help attribute the harm to a specific smoker and substantiate the plaintiff's claim for compensation.

#### **D. Compensation for damages resulting from passive smoking**

The primary objective of civil liability is to remove or remedy the harm suffered by the injured party, as protecting the rights of the victim is a fundamental legal principle. The foremost civil obligation is to eliminate the damage and restore the affected party to their original state whenever possible. If restoration is not feasible, compensation must be awarded to the injured party for the harm they have endured.

Tort liability (liability for harmful acts) differs from contractual liability in its broader scope for compensation. The injured party may claim compensation for both direct and indirect damages, provided that these damages result from the harmful act. This principle is reinforced by Act 266 of the Jordanian Civil Code,<sup>4</sup> which states: "Compensation shall be assessed in all cases based on the harm suffered by the injured party and the loss of potential earnings, provided that such harm is a natural consequence of the harmful act". Therefore, this legal provision establishes the fundamental criteria for determining compensation, which is based on the actual losses suffered by the injured party and the income they were deprived of due to the harmful act.<sup>5</sup> This concept aligns with the principle of full compensation, ensuring that damages are covered regardless of whether they were foreseeable or not.<sup>6</sup>

The principle of full compensation dictates that the liable party must fully cover the harm suffered by the injured individual. This principle supports the overarching goal of civil liability, which is to restore the injured party to the position they were in before the harm occurred, whenever possible. Justice and logic also necessitate this approach.<sup>7</sup> As a result, the legal implications of passive smoking involve multiple dimensions, including physical, financial, moral, and aesthetic damages. Establishing liability requires demonstrating a direct causal relationship between passive smoking and the resultant harm, which presents significant legal challenges. The necessity of expert testimony underscores the complexity of proving such cases, reinforcing the importance of stringent public health policies to mitigate exposure to passive smoking and its detrimental effects.

---

<sup>1</sup> *Al-Daoudi* (n25) 234.

<sup>2</sup> Rocha, E. "Tobacco Use: More Needs to Be Done to Control Active and Passive Smoking." (2020) 85 *Revista Portuguesa de Cardiologia* 39 (2): 85–87. <https://www.revportcardiol.org/en-pdf-S2174204920301367>.

<sup>3</sup> *Al-Jundi*, (n 19) 242.

<sup>4</sup> Article 266 of the Civil Code provides: In all cases, compensation is determined in the amount of injury suffered by the injured party and the amount of profit which he lost provided that such was the natural result of the injurious act. of course, any financial or economic loss sustained in consequence of the act.

<sup>5</sup> Al-Far, A., and B. Malkawi. *Sources of Obligation*. (2015) 194. 6<sup>th</sup> ed. Amman: Dar Al-Thaqafa.

<sup>6</sup> Sultan, A. *Sources of Obligation in Civil Law*. (2022) 355. Amman: Dar Al-Thaqafa.

<sup>7</sup> *Al-Jubouri* (n24) 387.

In addition, compensation is assessed based on the type of harm suffered, including physical, financial, and moral damages. The severity and extent of each type of harm determine the compensation amount, which is then aggregated into a total sum. Compensation may take the form of a lump sum payment, periodic installments, or a lifelong annuity for the victim. If the victim's condition worsens after compensation has been awarded, the court may order additional compensation to account for the newly emerged harm.<sup>1</sup>

Acts. 268<sup>2</sup> and 269 of the Jordanian Civil Code support this principle. Act 268 states: "If the court is unable to determine the extent of compensation definitively, it may reserve the injured party's right to request a reassessment within a specified period." Similarly, Act 269 allows compensation to be paid in installments or as a lifelong annuity.<sup>3</sup> In fact, This approach ensures that justice is not undermined by premature or incomplete assessments of injury, and it safeguards the injured party's right to fair compensation should the damage later intensify or become more evident.

On the other side, if the harm is static and well-defined, a single compensation amount can be determined. However, complications arise when the harm is dynamic, meaning the victim's health condition fluctuates over time. In such cases, the victim has two options: they may claim compensation for the existing harm while retaining the right to seek further compensation if the condition worsens, or they may wait until the harm stabilizes and seek comprehensive compensation at that point.<sup>4</sup>

A further issue arises when, based on several medical reports, the victim's condition initially appears stable, and compensation is awarded based on this assessment. If new complications emerge from the same cause and resulting in increased harm, then the question arises is: can the victim file a new claim? In this case, the answer depends on the principle of causality. If the victim proves that the newly developed harm directly resulted from passive smoking, they are entitled to additional compensation. However, if causality cannot be established, their claim will be denied due to the absence of a direct link between the harm and passive smoking.

So, there are several factors may influence the assessment of compensation for aggravated or variable damage resulting from passive smoking. Some of these factors is **the fault of the injured party (Passive Smoker)**. The passive smoker may, through their own actions or negligence, contribute to the aggravation or modification of the harm suffered. Another factor is **The Health Condition of the Injured Party**. A pre-existing medical conditions of the passive smoker may play a significant role in exacerbating the damage. If the primary cause of the aggravated harm is an underlying health condition, this factor will be considered in determining compensation. (Ajrama 2023, pp. 250-251)

#### E. Judicial discretion in compensation for Passive smoking damage

The determination of compensation for harm caused by passive smoking falls within the discretionary power of the judge. The court aims to ensure full reparation for the damage suffered. In this regard, the judge may rely on expert medical evaluations to ascertain the extent of the harm. Additionally, lost earnings are

---

<sup>1</sup> *Sultan*, (n34) 331.

<sup>2</sup> Pursuant to Article 268 of the Jordanian Civil Code, the law permits a reassessment of compensation if the harm originally evaluated has subsequently worsened following the issuance of a court judgment. This legal provision reflects a recognition that, in certain cases, the full extent of the injury or damage may not be immediately ascertainable at the time of judgment.

<sup>3</sup> As clarified in the explanatory memorandum of the Civil Code, the legislator acknowledges situations where a judge may be unable to determine a definitive amount of compensation—such as in the case of a wound whose consequences are not immediately clear and may evolve over time. In such circumstances, the judge is authorized to issue a provisional estimate of damages and retains the discretion to revisit and amend the judgment within a reasonable timeframe once the full scope of harm becomes apparent.

<sup>4</sup> Al-Zubaidi, H. Judgment of Compensation for Damage in Comparative Law. (2024) 183. *Middle East Journal of Legal and Jurisprudential Studies* 4 (3): 181–90. <https://meijournals.com/ara/index.php/mejls/article/view/688>.

considered, including reduced income due to diminished work capacity, absence from work, or partial or total disability. Compensation may also include financial losses such as missed profits or expected revenues.<sup>1</sup>

A key legal issue in this study is whether harm caused by passive smoking in the workplace can be classified as an occupational injury.

### ***Case Law in the United Kingdom***

Between 1982 and 1986, an employee of the Social Security Administration in the United Kingdom suffered lung injuries due to workplace exposure to secondhand smoke. As a result of inhaling the smoke, she experienced painful lung conditions and severe respiratory distress, leading to a four-day work absence. She provided evidence that her health deteriorated whenever exposed to colleagues' smoke. Upon review, the Social Security Commissioner ruled that her exposure qualified as an occupational hazard warranting compensation, treating it as an incident covered by social security law.<sup>2</sup> This case established a legal precedent, reinforcing the employer's liability for harm caused to employees by workplace conditions.

At the time, some legal commentators predicted that the ruling could have far-reaching implications for employers, potentially allowing employees to sue their employers for health damages caused by passive smoking.<sup>3</sup> (Howard, 1992, p. 697)

### ***Case Law in the United States***

In New Jersey, a passive smoker who worked in the same office with a smoking colleague for 26 years developed tonsil cancer due to prolonged exposure to secondhand smoke. Upon reviewing the case, the court ruled in favor of the plaintiff, recognizing tonsil cancer as a compensable occupational disease. The court ordered the employer to cover compensation, current and future medical expenses, and past costs associated with the illness.<sup>4</sup>

This ruling set a significant legal precedent, expanding the scope of employer liability beyond merely prohibiting smoking. It affirmed that an employee could seek compensation for work-related illnesses resulting from secondhand smoke exposure. The ruling also had financial implications for employers, as such claims could increase workers' compensation insurance premiums. The legal rationale for holding the employer accountable was the failure to provide a safe working environment and protect employees from exposure to passive smoking.<sup>5</sup> According to these legal precedents, employers have increasingly required detailed medical reports from prospective employees to assess potential risks related to passive smoking exposure before hiring.<sup>6</sup> Furthermore, an employer's liability is not limited to statutory responsibilities but extends to maintaining a safe and healthy workplace, as failure to do so constitutes a breach of duty toward employees.

Under Jordanian law, there is no explicit provision for employer liability regarding harm caused by passive smoking. A review of occupational injury schedules under Jordan's Social Security Law indicates that passive smoking-related harm is not classified as a compensable workplace injury. Consequently, there is no clear legal basis for a passive smoker to claim compensation from an employer or the Social Security Corporation under existing workplace injury provisions. However, Jordan's Civil Code provides a potential legal avenue for

---

<sup>1</sup> Amin, D. "Civil Liability Arising from the Risks of Electronic Smoking. (2024) 108. *Journal of Legal and Economic Studies* 10 (3): 1–158. [https://jdl.journals.ekb.eg/article\\_378492.html](https://jdl.journals.ekb.eg/article_378492.html).

<sup>2</sup> Howard, G. "Passive Smoking—Some Further Legal Issues for Employers." (1992) 696. *British Journal of Addiction* 87 (5): 695–701. <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1360-0443.1992.tb02715.x>.

<sup>3</sup> Ibid 679.

<sup>4</sup> Zellers, L, T, M. Legal Risks to Employers Who Allow Smoking in the Workplace. (2007) 1378. *American Journal of Public Health*.97(8), p1376-1382.

<sup>5</sup> Ibid 1977.

<sup>6</sup> Howard, (n41) 698.

liability under Act 288<sup>1</sup>. The provision sets financial responsibility for employers when staff members create damages in their assigned work activities.

Act 288 (b)<sup>2</sup> states: “A person who has actual authority over the conduct and supervision of another, even without absolute freedom of choice, shall be liable for damage caused by the subordinate while performing or as a result of their duties.” The authority to supervise another person extends legal responsibility to damage the subordinate causes during work-related responsibilities. Such legal standards enable courts to hold employers responsible for injuries that passive smokers sustain because of smoking behaviors from their work colleagues. According to this article, a judge has the authority to grant the injured employee complete compensation, which ensures proper compensation for their suffered injuries.

#### IV. CONCLUSION AND RECOMMENDATIONS

This study investigates the legal framework surrounding passive smoking, with a focus on the lack of adequate protection for non-smokers, particularly in the context of Jordanian law. The findings reveal that exposure to secondhand smoke is a significant public health issue, contributing to various health problems, especially for vulnerable groups such as children, pregnant women, and the elderly. Moreover, current legal frameworks, both nationally and internationally, fail to fully address the harms caused by passive smoking and do not provide sufficient mechanisms for compensating victims or holding responsible parties accountable.

##### A. Findings

- International treaties and national laws permit active smoking, with public space regulations being the primary constraint, but these laws do not provide compensation for individual victims of passive smoking.
- Existing laws do not fully recognize the extensive health and environmental impacts of passive smoking.
- Harm caused by passive smoking directly leads to medical consequences, either developing new health conditions or exacerbating existing ones in non-smokers.
- When employees are exposed to passive smoking during working hours, employers should be held liable for compensating the resulting damages.
- There are no clear legal provisions to establish civil responsibility for damages caused by passive smoking.

The findings clearly demonstrate that while there are laws regulating smoking, they fail to sufficiently address the broader issue of secondhand smoke and its harmful consequences, particularly in relation to compensation for victims.

##### B. Recommendations

To fill these legal gaps and provide better protection for non-smokers, the following policy recommendations are made, categorized by their focus on legislative, judicial, and institutional actions:

###### Legislative Recommendations

---

<sup>1</sup> The legal responsibility of the head of a medical team is clearly reflected in the provisions of Jordanian law. This is because members of the medical team operate under the supervision and instructions of the team leader, who selects them for their roles and exercises actual authority over their actions. This legal principle is reinforced by a ruling from the Jordanian Court of Cassation, which states: “*Pursuant to Article 288(1)(b) of the Civil Code, the superior is liable for the harm caused by the actions of his subordinate...*”

This liability is based on two key legal principles: **Control and Direction (Actual Authority)**: The head of the team holds the legal power to issue directives—whether specific or general—to their subordinates, and to oversee their execution of such orders. The existence of this supervisory authority establishes legal accountability for the actions taken under the leader’s command. **Dependency Relationship through Supervision and Guidance**: The subordinate’s legal and professional dependency on the team leader is tied to the leader’s recognized authority to supervise and guide. If this authority is absent or withdrawn, the legal relationship of dependency dissolves. Jurisprudence and legal scholars have widely accepted this interpretation.

<sup>2</sup> Ibid.

- Implement comprehensive public smoking restrictions: National governments, including Jordan, should pass stricter laws that not only regulate smoking in public spaces but also ensure there are protections for non-smokers, especially in shared environments like workplaces and residential areas.
- Establish a passive smoking compensation fund: Legislators should create a fund supported by taxes on tobacco products and penalties for violators, ensuring that victims of passive smoking can receive compensation for the harm caused.
- Recognize diseases from passive smoking as occupational illnesses: Diseases resulting from workplace exposure to secondhand smoke should be officially designated as occupational illnesses, qualifying affected individuals for social security benefits and workers' compensation.

#### Judicial Recommendations

- Strengthen legal accountability for employers: Courts should enforce employer liability for damages caused by passive smoking in the workplace, allowing employees to seek compensation for harm sustained during working hours.
- Clarify the scope of civil liability: Judicial systems should develop clearer interpretations of civil liability laws to ensure that individuals who cause harm through passive smoking are held accountable.

#### Institutional Recommendations

- Increase awareness through public health campaigns: International organizations like the World Health Organization (WHO) should collaborate with national governments to promote awareness about the risks of passive smoking and the legal rights of victims.
- Provide insurance coverage for passive smoking exposure: Personal insurance companies should offer policies designed to protect individuals exposed to secondhand smoke, especially considering the challenges in proving liability in legal contexts.

By addressing these recommendations, governments, judicial systems, and institutions can work together to fill the current legal gaps, protect non-smokers, and ensure that victims of passive smoking receive proper compensation for their suffering.

#### References

- Al-Ajarma, H. 2023. "Compensation for Variable Damage in Jordanian Civil Law." *Scientific Development Journal for Studies and Research* 4 (3): 243–64. <https://search.emarefa.net/ar/detail/BIM-1491831>.
- Al-Ammawi, M. 2014. "Compensation for Aesthetic Damage." *Journal of Sharia and Law Sciences, Faculty of Law, University of Jordan* 41 (Suppl. 1): 466–82.
- Al-Daoudi, G. 2004. "The Position of Islam, Law, and Judiciary on the Harms of Smoking as a Harmful Act." *Journal of Damascus University for Economic and Legal Sciences* 20 (1): 197–255. <https://www.damascusuniversity.edu.sy/mag/law/old/economics/2004/20-1/ghaleb.pdf>.
- Al-Far, A., and B. Malkawi. 2015. *Sources of Obligation*. 6th ed. Amman: Dar Al-Thaqafa.
- Al-Haddad, M. 2017. *Principles of Law Science*. Amman: Dar Al-Thaqafa.
- Al-Jubouri, Y. 2023. *General Theory of Obligations and Personal Rights*. Amman: Dar Al-Thaqafa.
- Al-Jundi, M. S. 2022. *Tort Liability: Liability for Harmful Acts*. 2nd ed. Amman: Dar Al-Thaqafa.
- Al- Aqaila, Z. 2014. "The Right of a Passive Smoker to Sue an Active Smoker for Damages Caused by Cigarette Smoke Exposure." *Al-Ma'arif Journal* 10 (18): 29–72. <https://asjp.cerist.dz/en/article/93231>.
- Al-Rashidi, W. 2016. "Legal Liability Arising from Smoking Damages." *Tikrit University Journal of Law* 1 (2): 783–825. <https://www.iraqoj.net/iasj/article/141308>.

- Al-Zoubi, A. 2010. *Introduction to Law Science*. Amman: Dar Ithraa Publishing.
- Al-Zubaidi, H. 2024. "Judgment of Compensation for Damage in Comparative Law." *Middle East Journal of Legal and Jurisprudential Studies* 4 (3): 181–90. <https://mejournals.com/ara/index.php/mejljs/article/view/688>.
- Amin, D. 2024. "Civil Liability Arising from the Risks of Electronic Smoking." *Journal of Legal and Economic Studies* 10 (3): 1–158. [https://jdl.journals.ekb.eg/article\\_378492.html](https://jdl.journals.ekb.eg/article_378492.html).
- Andoh, B. (2007). *Passive Smoking in the Home: The Legal Ramifications*. Solten University.
- Boujemaa, H., and S. Bournane. 2024. "Health Education and Its Importance in Reducing the Effects of Passive Smoking on Society." *Al-Jami' Journal for Psychological Studies and Educational Sciences* 9 (2): 595–613. <https://asjp.cerist.dz/en/article/257906>.
- Faiq, L. 2017. *Civil Liability in Law*. Erbil: Ministry of Justice.
- Howard, G. 1992. "Passive Smoking—Some Further Legal Issues for Employers." *British Journal of Addiction* 87 (5): 695–701. <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1360-0443.1992.tb02715.x>.
- Jordan. 1976. *Civil Code No. 43 of 1976*.
- Jordan. 1977. *Public Health Protection Regulation from the Dangers of Smoking No. 64 of 1977*.
- Jordan. 2008. *Public Health Law No. 47 of 2008 and Its Amendments*.
- Jordanian Ministry of Health. n.d. Reports of the Jordanian Ministry of Health. Accessed April 8, 2025. [https://www.moh.gov.jo/EBV4.0/Root\\_Storage/AR/EB\\_Info](https://www.moh.gov.jo/EBV4.0/Root_Storage/AR/EB_Info).
- League of Arab States. 2004. *Arab Charter on Human Rights*.
- Kweiz, I. 2019. "The Legitimate Interest in Criminalizing Smoking." *Journal of Legal Sciences, College of Law – University of Baghdad* 2: 382–408. <https://jols.uobaghdad.edu.iq/index.php/jols/article/view/247/205>.
- Rocha, E. 2020. "Tobacco Use: More Needs to Be Done to Control Active and Passive Smoking." *Revista Portuguesa de Cardiologia* 39 (2): 85–87. <https://www.revportcardiol.org/en-pdf-S2174204920301367>.
- Sultan, A. 2022. *Sources of Obligation in Civil Law*. Amman: Dar Al-Thaqafa.
- World Health Organization. 2003. *Framework Convention on Tobacco Control*.
- World Health Organization. Reports of the World Health Organization. Accessed April 8, 2025. <https://www.emro.who.int/ar/tfi/who-fctc/index.html>.
- Zellers, L, T, M. (2007). Legal Risks to Employers Who Allow Smoking in the Workplace. *American Journal of Public Health*.97(8), p1376-1382.