

## ISLAMIC AND WESTERN ETHICAL PERSPECTIVES ON MANDATORY VACCINATION POLICY FOR CHILDREN IN MALAYSIA

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### Article Information

Received: October 28, 2024  
Revised: December 03, 2024  
Accepted: December 04, 2024

### Keywords

Mandatory-Vaccination, Children in Malaysia, Islamic-Ethics, Western-Ethics

### ABSTRACT

*This study explores into the discussion of vaccination mandate for children in Malaysia from Islamic and Western ethical perspectives using the descriptive qualitative method of content analysis from journal articles and books as well as thematic analysis from the interviews with the Malaysian parents. Based on the study, the concept of Maslahah Mursalah and Maqasid Syariah were used from Islamic ethics and theory of Duty-based ethics (Deontology) and Utilitarianism (Ontology) were used from Western ethics to analyse the issue. The opinions of the parents of the Malaysian were studied as well and majority shows positive response towards the idea vaccination mandate for the children in Malaysia. The relation between these two distinct perspectives were explored to understand further before coming into conclusion that both of them shows relatively positive idea about vaccination mandate for children can be implemented in Malaysia with increase awareness and knowledge should be given to all parents prior punishing them for refusal.*

## INTRODUCTION

Ethics in general is about a person's moral choices and intuitions. According to Rachels (1993), ethics refer to a set of ethical standards or principles for conduct. (Rachel, 1993) Western ethics has been categorized into three branches, meta-ethics, normative ethics, and applied ethics, as according to Dittmer (n.d.) Kagan (1997) maintains that they are linked. (Mokhtar, 2019) Western ethics applies universal principles to everyone regardless of time, place, or context. Nevertheless, Velasquez (2006) claims that there is no single ethical theory that adequately explains ethics. (Velasquez, 2012)

Al-Hasan al-Aidros et al. (2013) defined Islamic ethics as the good ideologies and values derived from Islamic sources. Al-Hashi (2011) explained that Islam's ethical system is based on Quranic teachings and the Prophet Muhammad's words and conduct. (Hashi, 2011) He noted that Islamic ethics prescribe duties, attitudes, and virtues for both society and individuals, defining right, wrong, virtue, and vice according to Islamic doctrines.

Gillon (2012) described bioethics as the study of ethical issues related to biological and biomedical aspects. (Gillon, 2012) Veatch (1997) stated that medical ethics, often used interchangeably with bioethics, encompasses decisions made by physicians and healthcare professionals. (Veatch, 1997)

In the context of infectious diseases, which pose significant public health risks, immunization or vaccination was developed to mitigate the spread. Preventive and therapeutic measures include

lockdowns, quarantine, and treatment. According to the WHO, immunization is essential in primary health care and a fundamental human right. (Lynch & Marcuse, 2008) Thirumoorthy (2012) emphasized that in cases of infectious diseases posing public health risks, the autonomy of the infected may be overridden to ensure proper treatment. (Thirumoorthy, 2012). Malaysian citizens have the right to vaccination to prevent communicable diseases like Polio. Refusal to vaccinate raises ethical concerns, as it conflicts with the right to human rights.

To address persistent health security threats, the Malaysian government agreed to implement the WHO's International Health Regulations (IHR 2005) and has adhered to the fundamental capacity requirements since its enforcement on 15 June 2007. (Ministry of Health, 2017) This regulation provides the legal framework for global health security enhancement, mandating all WHO members to develop at least minimal basic capacities.

In recent years, many young parents have declined to vaccinate their children. In 2019, WHO identified vaccine hesitancy as one of the top ten global health threats. (Rus & Groselj, 2021) Consequently, Malaysia saw a resurgence of Polio cases in 2019, after nearly 20 years of being Polio-free. (World Health Organisation, 2019) Measles cases in Malaysia also rose sharply, from 197 in 2015 to 873 by June 2016. (Ahmed et al., 2018) This increase in vaccine-preventable diseases raises questions about why some individuals resist vaccination for themselves or their children.

Vaccines are crucial for eradicating infectious diseases, achievable through herd immunity, which occurs when most community members are vaccinated. To promote vaccination, the Malaysian government, via the Ministry of Health, launched the National Immunization Programme in the 1950s. (Immunised4Life, 2020) This program ensures Malaysian children receive necessary vaccinations to prevent or reduce the risk of specific diseases.

Vaccine refusal or hesitancy poses significant public health risks. In 2019, discussions emerged about implementing a mandatory vaccination policy. (Mohd Anwar Patho Rohman, 2019) Pei Kuan et al. noted that recent outbreaks prompted some countries, including Malaysia, to consider mandatory vaccination regulations. (Lai et al., 2020) This situation raises ethical questions: Should a policy enforce compulsory vaccination to maintain or achieve herd immunity, or should individuals have the freedom to decide? If the former is adopted, it questions the government's right to mandate vaccines. If the latter, it questions whether those refusing vaccination can endanger others in society.

This research aims to explore this issue by comparing the ethical perspectives on mandatory vaccination from Islamic and Western viewpoints and examining its relevance to the debate on mandatory vaccination for children in Malaysia.

## METHODS

This study employed a descriptive qualitative method (Stadtländer, 2009) based on the critical focus of the journal publications and books that address the ethical theories from both Islamic and Western perspectives related to public immunization. Apart from that, a thematic analysis used by the researcher to analyse the data gathered from the interview with the parents to find out the themes in regards to the ethical view on making immunization compulsory. Secondly, the data collected is limited to Malaysian children living in Malaysia.

## RESULTS

According to Lidiya Kamara et. al. (2013), each nation-state was encouraged to establish its comprehensive Multi-Year Plans (cMYP) for vaccination which were listed in the strategies laid down in the GIVS<sup>1</sup>. (Kamara et al., 2013) WHO and UNICEF with their collaboration partners developed plans for states who did not have proper planning to establish cMYPs for vaccination in

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<sup>1</sup> The Global Immunization Vision and Strategy (GIVS) 2006-2015 were established to strengthen the national immunization framework which aims to safeguard as many people as possible against illness through the extension of vaccination to reach every qualified person as well as keeping the vaccination rate high in every health plan. See, (Duclos et al., 2009)

late 2005.(Kamara et al., 2013) Following that, over 70 states established their cMYPs based on the guidelines provided between 2005 to 2008.(Kamara et al., 2013)

The Organisation of Islamic Countries (OIC) also observed the importance of vaccination as a way of combating disease outbreaks among the members of the organization.(RESEARCH et al., 2013) For instance, in the context of Polio vaccination, according to the OIC Strategic Health Programme of Action 2013-2022 (OIC-SHPA) at its institution level, the relevant intuitions of OIC, as well as the General Secretariat (GS) of OIC, work together with the allies of international health and development to improve teamwork in diminishing the Polio diseases in affected state members by establishing a close connection with the Global Polio Eradication Initiative (GPEI) Secretariat in Geneva.(RESEARCH et al., 2013) Through this programme, the Secretary General of OIC seeks funding from the possible donor countries as well as addresses the Heads of OIC member states, the non-OIC member state as well as philanthropic associations.

### **Philosophy Of Immunization Program**

Immunization programs necessitate collective effort to save lives.(Giubilini, 2019) Herwaldt references a quote from The Epidemics to illustrate that Greek physicians adhered to the dual responsibilities of nonmaleficence and beneficence. These principles form the foundation of medical ethics.(Herwaldt, 1993) Herwaldt argues that healthcare personnel should receive the Measles vaccine before treating patients to comply with policies and prevent virus transmission. However, the influenza vaccine, which prevents flu, is not given the same priority as the Measles vaccine.

### **Malaysia's Governance of Immunization General and For Children**

Moosa Tatar et al. emphasize the importance of good governance, particularly in managing pandemics.(Tatar et al., n.d.) Engku Nuraishah et al. note that Malaysia, adhering to the WHO Expanded Program on Immunization (EPI), initiated its National Immunization Program (NIP) in the early 1950s.(Engku et al., 2018) In 1989, the Ministry of Health (MOH) formalized this program to improve children's quality of life, aligning with Malaysia's Vision 2020 goal of becoming a developed nation.(Engku et al., 2018) Faridah Kusnin reports that, as of 2017, Malaysia's NIP includes vaccines against 12 diseases.(Kusnin, 2017)

In response to calls for mandatory vaccinations, the Ministry of Education (MOE) received a proposal from the MOH to require vaccinations for all school children.(Ahmed et al., 2018) Currently, vaccination is not mandatory for school entry, but the MOH has an extensive school health program that includes immunizations, health examinations, health education, dental services, and minor disease treatment. Ahmad et al. suggest revising the schedule for the MMR vaccine to 12 and 9 months, instead of the current 12 months and seven years. In East Malaysia, children will receive the Measles vaccine at six months (Sabah) and the Japanese Encephalitis vaccine at ten months (Sarawak). Ahmad et al. argue that without mandatory vaccination, the Child Act 2001's severe penalties for parents refusing to vaccinate their children cannot be effectively enforced, as prosecutors would struggle to prove child neglect without a compulsory vaccination ruling.(Ahmed et al., 2018)

### **Understanding Vaccine Refusal or Hesitancy in Malaysia**

MacDonald et al. (2015) define vaccine hesitancy as the refusal or delay in accepting vaccines despite the availability of vaccination services.(MacDonald et al., 2015) While most of the global population accepts vaccination, a minority reject some vaccines, delay vaccination, or accept it with uncertainty. Hesitancy spans a continuum from full acceptance without doubt to complete rejection, with vaccine-hesitant individuals falling in between these extremes.

NurAzzura et al. (2017) report that the WHO attributed the good health status of Malaysian children to the immunization program, though it is not fully utilized. A survey among Malay parents revealed that some refuse vaccination due to concerns about harmful side effects.(Mohamad Diah et al., 2019a) Awadh et al. (2014) noted that parents often see themselves as the sole decision-makers for their children's vaccination,(Awadh et al., 2014) a point also highlighted by NurAzzura et al.

Ahmad et al. found that misinformation about vaccines leads some Malaysian parents to refuse vaccination, fueled by social media claims that vaccines are conspiracies to weaken Muslims.(Ahmed et al., 2018) This mistrust is exacerbated by speculations that vaccines spread diseases to non-Western peoples. Furthermore, some parents question the "halal" status of vaccines, believing they contain pig DNA, which is forbidden in Islam. In Malaysia, a predominantly Muslim country, the halal status is a critical factor in vaccine acceptance.

Mohd Azizi et al. confirm that vaccine refusal is sometimes linked to the belief that vaccines contain pig DNA, making them religiously forbidden.(Mohamad Diah et al., 2019b) Ahmad Badri Abdullah (2014) noted that the Penang state government's Health Exco identified religious concerns about the halal status, along with doubts about vaccine safety and efficacy, as reasons for parental rejection of vaccination.(Abdullah, 2014)

Moreover, parents' age also determines the key factor of vaccine refusal. According to Nurazzura et al., there is a remarkable link between the practice of vaccination and knowledge of vaccines whereby the young parents or parents are lacking.(Mohamad Diah et al., 2019b) This was also mentioned by Azizi et al, that younger parents tend to be hesitant to vaccinate their children.(Mohd Azizi et al., 2017)

### **Islamic Perspective on Vaccination (1950-2021)**

In Islam, health is paramount, as emphasized in the Quran, which advocates for hygienic habits and proper diet.(Piwko, 2021) Islam, encompassing a complete way of life and *deen*, underlines *al-Akhlaq* and *al-Aql*, emphasizing "protecting and safeguarding." (Al-ghazali, 2017)

Ghaly (2021) states that vaccine development aims to minimize harm through efficacy and safety assessments but notes that religious views consider additional factors, such as forbidden elements leading to spiritual repercussions.(Ghaly, 2021) Some Asian Muslim scholars opposed COVID-19 vaccines presumed to contain pork, while Arab fatwa councils permitted them, citing chemical modifications that nullify religious prohibitions.

Shabana questioned whether vaccination conflicts with reliance on God as the Ultimate Healer.(Shabana 2021), أيمن شبانة() Engku Nuraishah et al. argue that vaccination aligns with *al-Maqasid Shariah*, which seeks to preserve life, intellect, religion, dignity, and wealth, a widely accepted view among Muslim scholars.(Engku et al., 2018) Noor Munirah notes that in emergencies (*Darurah*), actions protecting life, dignity, intellect, and wealth are justified.(Isa, 2016)

In Malaysia, concerns over the halal status of vaccines led some Muslim parents to refuse vaccination for their children. Nurul Jannah et al. (2018) explain that Islam permits the use of forbidden substances in emergencies (*Dharurat*), under the principle *Al-Dharurat tubikhu al-Mahzurat*.(Binti Mustafa Khan & Binti Zulkipli, 2018) Ahmad et al. support this, stating that necessity can override prohibitions in dire situations, making previously forbidden treatments permissible.(Ahmed et al., 2018)

The Malaysian Fatwa Council and international bodies have declared vaccination permissible for prevention and cure, stressing that refusal could result in greater harm.(Binti Mustafa Khan & Binti Zulkipli, 2018)

### **Mandatory Vaccination from Western Philosophical View (1950-2021)**

Pei Kuan et al., citing Haverkate et al., state that mandatory vaccination legally requires every child to be vaccinated, removing parental choice regardless of penalties.(Lai et al., 2020) The WHO (2021) defines mandatory vaccination as enforced through threats of restrictions for non-compliance.(WHO, 2021) Despite the term, it is not genuinely compulsory, as non-compliance does not result in force or criminal penalties but may restrict activities like school attendance for unvaccinated children.

Savulescu et al. explain that mandatory vaccination enforces societal vaccination, including children, thus limiting parental or individual autonomy for the public good.(Savulescu et al., 2021) For instance, in Australia, parents refusing child vaccination lose financial support, while in Italy, parents are fined 500 euros for sending unvaccinated children to school.

Ayman Shabana identified four ethical principles: autonomy, justice, beneficence, and maleficence, explaining that Western biomedical ethics respects patient decisions irrespective of

consequences.(Shabana 2021), أيمن شبانة () In Islam, individual well-being is linked to community and family, so autonomy is validated based on its effects on these groups. Patient autonomy in vaccination is not denied; healthcare professionals must explain the necessity of such measures, crucial for public health.(Abdullah, 2014) Researchers suggest parents may reject child vaccination if the risk posed by unvaccinated children is minimal.

Shabana describes beneficence as minimizing harm and maximizing benefits, accepting harm only if it brings greater benefits. Ethically, vaccination is favored to prevent pandemics in populations lacking herd immunity.

A vaccination mandate interferes with individual autonomy and liberty. According to Savulescu et al., applying John Stuart Mill's Harm Principle, a person should have autonomy unless they may harm others.(Savulescu et al., 2021) In pandemics like COVID-19, it is justifiable for the state to enforce some punishment to prevent greater harm to others, including harm from inaction.

### Framework of Analysis

To understand further the acceptance of the public in regards to the immunization policy in Malaysia from an ethical perspective, a few ethical theories will be employed in the analysis which are Utilitarianism, Duty Based Ethics as well as Maslahah in respect of Maqasid Syariah. The details of the framework are shown in Figure 1.

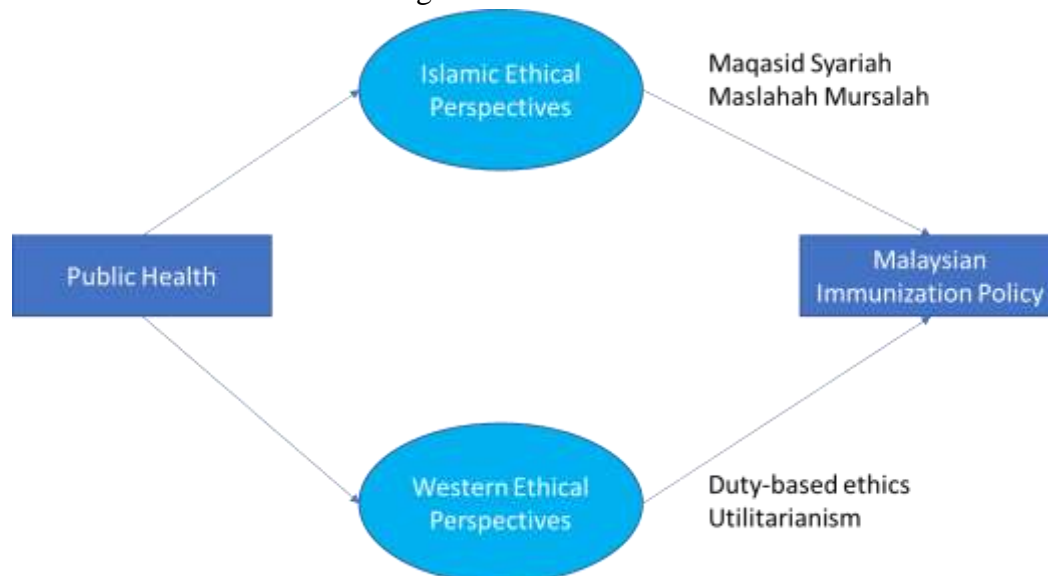


Figure 1 (Fathin Najih, 2023)

### Findings of the Study

Although Malaysia has achieved 96% of the immunization population, it is not an easy task to maintain the result. According to Mohd Azizi et al., the cases of vaccine refusal in Malaysia have increased from 470 cases to 1292 cases between the years 2013 to 2014. It is due to the number of parents of children aged below 2 years that refuse to give vaccination for their child. As a result, the diphtheria cases became more distinct and worsened with its reemergence in June 2016. The investigations revealed that most of the deceased infants did not receive the complete set of vaccinations in the immunization plan which led to the developed complications among infants.<sup>2</sup> As a result, the number of unvaccinated children and vaccine-preventable disease outbreaks has recently increased despite the robust vaccination program in Malaysia.(Smith et al., 2017)

### Mandatory Vaccination for Children by Malaysian Parents

To meet the objective, data was collected from respondents through online interviews. The respondents are parents of Malaysian children with children aged below 18 years old as defined by

<sup>2</sup> Balbir Singh HK, Badgujar VB, Yahaya RS, Rahman SA, Sami FM, Badgujar S, Govindan SN, Ansari MT. Assessment of knowledge and attitude among postnatal mothers towards childhood vaccination in Malaysia. Hum Vaccin Immunother. 2019;15(11):2544–51. doi:10.1080/21645515.2019.1612666.

the law.(The Commissioner of Law Malaysia, 2006) The researcher had prepared semi-structured questions to be answered during the interview sessions by the respondents. The medium of the interview was mixed languages of Malay and English as long as the answer answered the question.

Fifteen parents with a variety of backgrounds were involved in these interviews. The respondents seem to be eager to share their thoughts and opinions regarding the childhood vaccination mandate. In pursuance to answer this research question, the researcher tried to learn their views based on three themes which revolve the Immunization Behaviour, their Beliefs about Vaccine Safety, Efficacy, and Trust, and finally their Attitudes about Vaccine Mandates and Exemptions. These three themes were found based on the questions prepared by the researcher.

#### A) Immunization Behaviour

According to WHO (2022), immunization behavior or the behavioral and social drivers (BeSD) of immunization refers to the experiences and beliefs specifically towards immunization.(Organization, 2022) The immunization behavior was observed based on their knowledge and awareness and whether or not their children had been receiving the vaccinations provided as scheduled by the MOH.

Through the analysis, the researcher found that all of the 15 parents showed positive attitudes towards vaccination for their children. None of the parents declined to accept the immunization for their children.

There were some reasons that contributed to acceptance of the childhood vaccination. Firstly, is due to the existing knowledge and awareness of the parents regarding the vaccines. This can be seen in the statement below showing the excerpt of the interviews:

Interview excerpt: Puteri Nabila

*...aa bagi saya, I rasa benda ni important la to build baby punya immunisation system. kan aa because for now we know the surrounding is not really healthy plus covid some more, so untuk saya, saya tak hesitate and I willing to keep my baby vaccinated lah...*

Translated interview excerpt:

*...to me, I think this is important to build the baby's immunization system...since we know that the current surrounding is not healthy...plus, with current covid virus. So, to me, I would not hesitate and I am willingly getting my baby vaccinated.*

One of the parents, Puteri Nabila stated that she is willing to get her baby vaccinated because she is aware of the benefits of the vaccine for her baby. This shows that parents who are aware and have knowledge of the vaccine would not hesitate and in fact, will get their children to be vaccinated.

Besides that, parents agreed to take vaccines for their children due to the experiences of their close friends and families. This statement may be seen based on the interview excerpt below:

Interview excerpt: Amaliya

*...haah. sebab daripada pengalaman because of my parents, my aaa what we call aa my sister, as all of my siblings tu pun macam they are all willing for that...*

Translated interview excerpt:

*...Yes, because of my parents; experiences, my sisters', and all of my siblings are willing for that (vaccination)...*

One of the parents, Amaliya said that she agreed to take the vaccine for her children because her families took the vaccines for their children too. In this sense, she was convinced of the benefits of the vaccines given to her children due to the good experience of her family members.

Furthermore, parents also had mutual understanding and willingness to get their children immunized. This statement may be seen based on the interview excerpt below:

Interview excerpt: Sheril

*...Betul, tak pernah, sebab Kita kan memang daripada kecil kan? Even saya sendiri pun memang vaksin daripada kecil. So tak ada, tak adalah ada bad perception about vaksin ni...*

Translated interview excerpt:

*...That's right, I never hesitated...because even I was vaccinated since young. So, no...I never had a bad perception about vaccines...*

## **B) Beliefs about Vaccine Safety, Efficacy, and Trust**

Next, based on the interviews with the parents, the researcher analyzed their beliefs on the safety, and efficacy as well as their trust towards the medical personnel administering the vaccines. According to Larson., et. al. (2022), when making decisions concerning vaccines, one chooses to put their trust in another person to assist in weighing the risks and benefits of a choice about which they are unsure.(Larson et al., 2018)

The beliefs on the safety and efficacy of the vaccines were displayed through their response regarding the adverse effects. Based on the interviews, most of the parents are confident with safety and the efficacy of the vaccines received by their children. This can be seen in the interview excerpt below:

Interview excerpt: Masriza

*...Those were time during my school days kan, memang ada kawan-kawan yang polio. Yang kaki pendek sebelah kan? But now, kita tengok kan dah memang very rare you nampak this polio. jadi orang kata apa kita punya aa confident level, that means that with the polio vaccine, anak-anak you akan hidup as a normal person lah...*

Translated interview excerpt:

*...During my school days, there were some of my friends who had polio...those with one leg shorter? But now, we can see that it is very rare to find people with polio disease. So, we could say that our confident level, with the polio vaccine...means that our children would be living as normal kids...*

Through this, it shows that parents are confident with the safety and efficacy of the vaccines administered to their children. Which, other parent also supports this statement as follows:

Parents also understand that the efficacy of the vaccines is not 100% and that some common mild side effects are not worrying them. One of the parents, said that during the interview which shows that he believes that the benefits will outweigh the risk of getting the vaccine for his children.

Interview excerpt: Firdaus

*...aaa tak tak tak. kalau side effect tu sekadar macam, dia bergantung pada side effect, kalau side effect tu sekadar demam, sekadar bengkak dekat tempat injection yang minor saya okay...*

Translated interview excerpt:

*...no, no...if the side effect is only like fever, swollen on the injection side, the minor one, then I am okay with that...*

On top of that, the parents show their trust in the doctors and the MOH in giving the vaccination to their children. This can be seen in the below interview excerpt:

Interview excerpt: Ida

*...Itu memang hmm percayalah kut, sebab hmm so far macam saya ambil Influenza vaccine itu pun, okey. Tak ada side effect apa pun, just macam lenguh. Itu pun dalam sehari je. Dah percayalah apa yang doktor cakap itu mesti terbaik untuk kita kan...*

Translated interview excerpt:

*...I trust them. So farm like when I got the Flu vaccine, I was okay. I did not get any adverse effects except feeling a bit sore but it was only for a day. So, yes...I do believe whatever the doctor tells us must be for our best...*

Based on the interviews, we can see that parents put their trust in the doctors especially the MOH and the experts regarding the efficacy and the safety of the vaccines administered to their children. This shows that they believe that the benefits of the vaccine are greater than the risks.

### C) Attitudes about Vaccine Mandates and Exemptions

Finally, the researcher analyses the perceptions of the parents in regard to children's vaccination mandates and exemptions. According to Smith et. al. (2021), mandatory vaccination caused a rise in vaccine uptake. (Smith et al., 2021) Based on the interview with the parents, most of the parents agreed to have the vaccination mandate for children. This can be seen in the below interview excerpts:

Interview excerpt: Aisyah

*...Definitely I will agree. benda ni hmm kita pun sedia nampak yang macam kes covid ni banyak orang anti vaksin apa semua kan. itu pun benda-benda macam. itu pun dah macam kita yang against anti vaksin ini, kita sangat marah because kita punya, kita ada anak yang kecil yang kita tak boleh divaksin. And benda itu akan apa dia give high risk to our children lah. because of this all of this anti vaksin punya orang kan...*

Translated interview excerpt:

*...Definitely, I will agree...Look during Covid time, there were a lot of people who were anti-vaccine. For us who are against them, we were so mad since we have small children who cannot take the vaccine...and that gave the high risk of infection to our children...because of them...*

The above excerpt shows that some parents are worried about the risk of their children being exposed to the virus, hence they agreed to have a mandate for vaccination to protect their children.

While other parents also agree with the vaccination mandate, they also agree to have some exemptions given which is only limited due to health reasons. This was shown in below interview excerpt below:

Interview excerpt: Amirah

*...Some sort of pengecualian? Yes, patut. Based on famili history punya health Health condition. Yang itu is the number one lah sebab some, yang based on my research memang some penyakit di trigger lebih sikit sebab vaksin...*

Translated interview excerpt:

*...Some sort of exemptions? Yes, we should have that. Especially based on the family history of health conditions. That's number one...since based on my research, there are some diseases which was triggered by vaccine uptake...*

Hence, based on the interviews, it can be concluded that parents mostly agree to have a vaccination mandate for children by the government. However, exemptions should be given to children who are not able to get the vaccine only due to health reasons and not because of religious or philosophical beliefs as this will harm or defeat the formation of heard immunity.

### Islamic and Western Ethical Views on Immunization Mandate for Malaysian Children

To achieve the objective of to explore the intersection between Islamic and Western ethics in making vaccination for children compulsory in Malaysia, the researcher will first discuss the ethical principles related to the immunization mandate from the Western perspective before discussing the Islamic ethical principles on the same issue. Then, the researcher will then try to find the relation between those two distinct perspectives on the vaccination mandate for children in Malaysia.

#### Western Ethical Principles on Immunization Mandate

According to Jillian et. al. (2023), the ethical precepts of beneficence, justice, non-maleficence, and autonomy should be considered and upheld during the creation, distribution, and application of vaccinations to guarantee that they serve the interests of the world



community.(Jalilian et al., 2023) Hence, when making vaccination mandatory, these four principles of bioethics should be observed.

- a) **Autonomy:** In the context of bioethics, the right to self-determination and the respect for an individual's ability to make educated decisions are the definitions of autonomy.(National Institute for Occupational Safety and Health, 2022) Technically, from a medical point of view, autonomy refers to the patient's freedom to make any decision for his or herself together with their dependents in regard to their health. Regarding immunization, a patient should have their own freedom to choose whether to accept vaccination or not. However, some conditions must be adhered to in order for a patient to have his or her autonomy in making decisions which are the person must be free from outside restrictions and possess the necessary internal abilities for self-government.(British Medical Association, 2024) When a person is capable of making a decision, has access to enough knowledge to do so, and makes the choice voluntarily, that decision is typically seen as autonomous in the context of medicine.
- b) **Non-maleficence:** According to Janskowki. J. (2014), Beauchamp, and Childress in 1989 defined non-maleficence as the duty to avoid causing harm, which is best known by the maxim "first do not harm".(Jankowski, 2014) About vaccination, doctor has the obligation to avoid causing harm to his or her patient. In this context, if the doctor knows that the vaccine is not suitable or may cause harm to the patient, he or she should always avoid doing so. Vaccines should be given during the suggested time as scheduled as delays in giving would cause harm to the patient. This was explained by Healy et. al. (2022), who explained that the constant delay of giving the HPV vaccine to children would cause potential harm to the preventable disease which defeats the bioethical principle of non-maleficence.(Healy et al., 2022)
- c) **Beneficence:** According to Varkey, B. (2021), the principle of beneficence entails a physician's duty to act in the patient's best interest and upholds several moral precepts, including the protection and defense of others' rights, the avoidance of harm, the removal of harmful conditions, assistance to those with disabilities, and the rescue of people in danger.(Varkey, 2021) The principle of beneficence has usually been used together with the principle of non-maleficence. In the context of vaccination, it can be seen that taking a vaccine itself is giving benefit to oneself which is preventing the risk of getting infected with the disease. This was explained by Healy et. al. (2022) in the context of HPV vaccine uptake by children that the doctors have the obligation to educate themselves about the HPV vaccine and useful communication techniques that convey the facts and reasoning behind it. It is evidently in their patients' best interests to provide them with consistent and forceful advice to enhance the adoption of HPV vaccinations as advised by guidelines which entails the principle of beneficence.(Healy et al., 2022)
- d) **Justice:** Finally, the last principle of ethics related to vaccination is Justice. According to Zapata. et. al. (2015), in terms of medical ethics, the fair and equal allocation of health resources is referred to as the principle of justice.(Zapata & Moriates, 2015) The principle of justice concerning immunization may be seen in the distribution of vaccine supplies to the people.

In conclusion, it should be noted that all four principles of ethics may be observed in the immunization mandate. Based on these four bioethical principles from the Western perspective, it is ethical to have the vaccination mandate.

### **Islamic Ethical Principles on Immunization Mandate**

As the literature discussed the immunization issue from the perspective of Islam, two main theories were directly related to understanding the issue of immunization mandate which are Maqasid Syariah and Maslahah Mursalah. This is due when certain things were not clearly explained by the Quran, Hadithm Ijma', and even Qiyas and when ethical dilemmas rise.(Alfahmi, 2022)

- a) **Maqasid Syariah:** According to Abdul Halim et. al. (2019), Islamic bioethics based on maqasid al-Shariah is a paradigm that analyzes and evaluates bioethical issues by applying the goals of the Shariah (maqasid al-Shariah). (Ibrahim et al., 2019) Technically, there are five Maqasid Syariah that have been mentioned in the literature before, in which Imam al-Ghazali stated that Syariah aims to safeguard belief, life, intellectual, progeny as well as property. (Zulkifli bin Mohamad al-Bakri, 2019)

The vaccination fulfilled all five Maqasid Syariah. Firstly, Islam as a religion always encourages Muslims to take care of their health as a healthy body will help them to do ibadah better. The Saudi Arabian government mandated Muslims to take the Meningococcal Quadrivalent vaccine prior to their visit to the holy land to perform Umra or Hajj. (Tabung Haji, n.d.) This is because the vaccine provides protection from the particular virus that will cause harm to the Muslim and eventually cause him or her to not be able to do the ibadah.

Next, the vaccination mandate aims to protect life. (Hashi, 2019) This is directly visible since the idea of immunization is to protect and build herd immunity in preventing people from getting infected by vaccine-preventable diseases. Even if one is infected with an infectious virus like COVID-19, the protection received by getting immunized would help to reduce the risk of death and critical complications.

Furthermore, since mandatory vaccination aims to protect life, it will eventually fulfill the aim to protect intellectual. The saying of healthy body, healthy mind. By getting the vaccine and not being infected with the disease, one can have a better ability to think and somehow make better decisions.

Besides that, the aim of Shariah to protect the progeny (Engku Nuraishah Huda et al., 2018) is been achieved by having the vaccination mandate. Looking through the years where Polio and other communicable diseases spread over the world causing many children who were infected to be handicapped and dead. With the innovation of the vaccine and through the herd immunity formed since most of the people had received the immunization would protect the younger kids or even those who are vulnerable and cannot get the vaccine from the virus.

Eventually, having all of the four Maqasid Shariah would achieve the final goal of Shariah which is to protect property. With a healthy mind, and body having normal and good progeny would increase happiness among the people, and therefore less money will be spent on medication and treatment. By getting a vaccination mandate, fewer people will be infected by communicable diseases, hence the government would be spending less money on the treatment for the people.

- b) **Maslahah Mursalah (Istihsan):** According to Ihsan Abdul Wajid (1986), Maslahah Mursalah (Istihsan) can be defined as utility or public interest is one of the law-making techniques. (Bagby, 1986) According to Kamali (2004), Istihsan can be defined as “a method of exercising personal opinion in order

to avoid rigidity and unfairness that might result from the literal enforcement of the existing law”. (Mohammad Hashim, 2004) Istihsan works by determining decisions based on the betterment of society. In respect of the vaccination mandate, based on Istihsan it will bring good (utility) for people.

In a nutshell, when discussing the bioethical issues that were not clearly explained in the Quran and Hadith or even Ijma', both the application of Maqasid Shariah and Maslahah Mursalah (Istihsan) will be used to determine the issue. In this context of mandatory vaccination policy, applying both Istihsan as well as Maqasid Shariah, is deemed to be ethical.

## Ethics of Childhood Immunization: A Look at Western and Islamic Philosophies

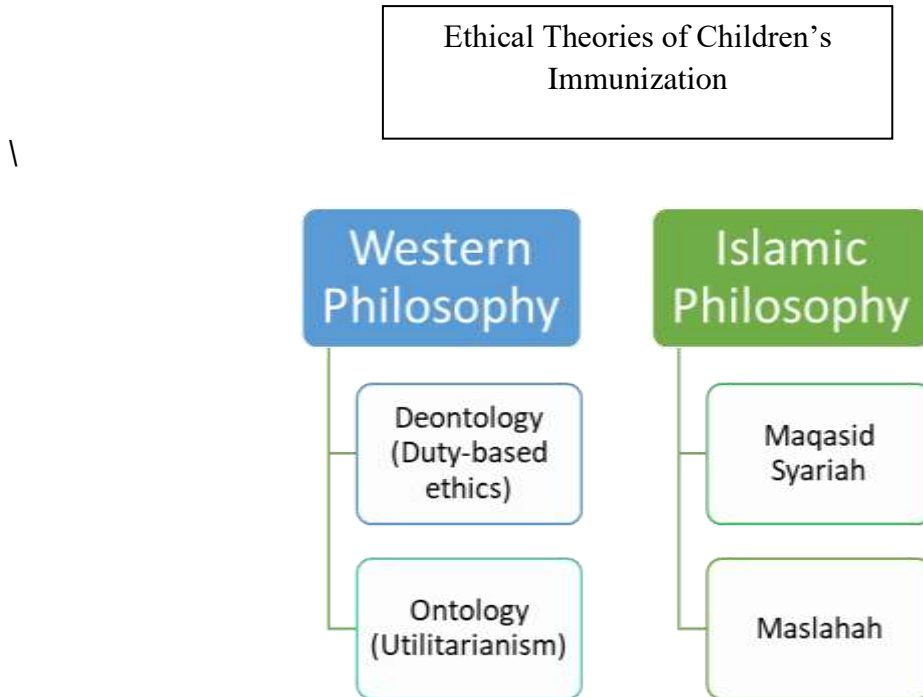


Figure 2: (Fathin Najiha, 2023)

The above figure shows the ethical reasoning that revolves around the children's immunization which answers the first objective of this research. As we can see from the western ethical view, two theories may be applied to the issue of vaccination which are duty-based ethics or deontology and utilitarianism or ontology. According to the theory of utilitarianism, the act of getting childhood immunization is morally good since the consequence of the action is good and that greater number of people will benefit from getting the vaccines. Meanwhile, the deontology theory states that it is the duty of people to get vaccinated, in this context, children should get the vaccine since it is the right thing to do.

Meanwhile, from the Islamic perspective, the act of getting the children to be immunized can be analyzed by applying the goals of Syariah. According to the Maqasid Syariah, it can be concluded that all of the five goals of Shariah which are to safeguard the belief, life, intellect, progeny as well property would be fulfilled by getting the immunization. The same analysis was derived by applying the Maslahah (Istihsan) which looks at serving the benefits, in which children are getting better benefits by getting vaccinated rather than not. Details of this finding can be found in Chapter two.

## Perception of parents in Malaysia toward vaccination for children

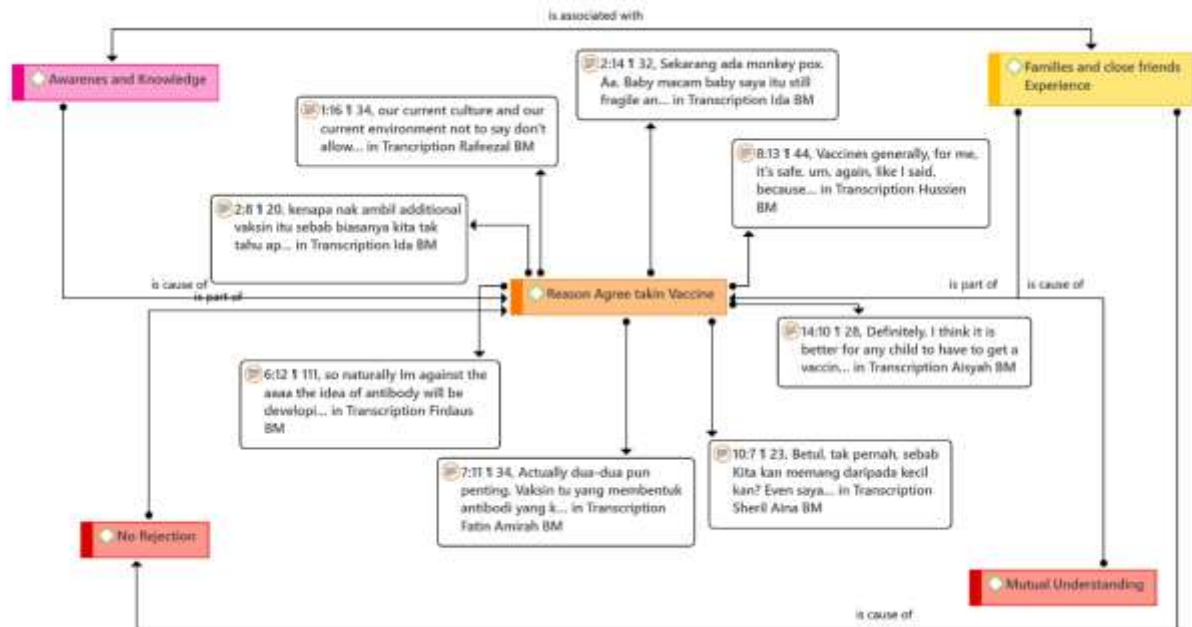


Figure 3: (Fathin Najiha, 2023)

The first objective can be observed in the above figure which shows that all parents have a positive attitude towards childhood vaccination in Malaysia. The reasons for their positive attitude are due to having great awareness and knowledge regarding the vaccine. On top of that, some had positive reviews from their family and close friends who had taken the vaccine. Furthermore, some parents just agree and believe that taking vaccines for their children will bring benefits to their children.

Details of the findings can be found in the earlier discussion of this paper.

## Combining Islamic and Western Morals to Mandate Childhood Vaccinations in Malaysia

Mandatory Vaccination Policy for  
Children in Malaysia

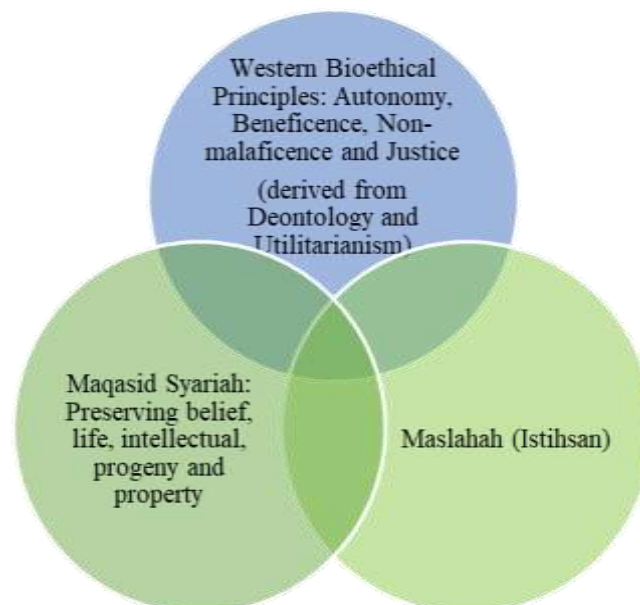


Figure 4: (Fathin Najiha, 2023)

The above figure shows the intersection of the two worlds between the western and Islamic ethical principles regarding mandatory vaccination policy for children in Malaysia.

Based on the above figure, it can be seen that both Islamic and Western ethics are on the same page in that they permit the mandatory vaccination policy for children in Malaysia. The bioethical principles were derived from the theory of Deontology and Utilitarianism, which are respect for autonomy, beneficence, non-maleficence, and justice. The principle of Maslahah aligned with the theory of utilitarianism which seeks to give benefits (beneficence).

## CONCLUSION

It can be concluded that the objective of this research was achieved and able to fill in the gap of knowledge from previous research regarding childhood vaccination. The theories were identified in both of the Islamic ethical theories concern the concept of Maslaha as well as the concept of Maqasid Shari'ah and the Western ethical theories namely Utilitarianism, Ontological theory as well as Deontological theory. This paper managed to analyses the perception of the parents in Malaysia regarding the children's immunization mandate. All of the parents agreed to take the vaccine. In terms of the vaccination mandate, only 2 parents disagreed to have a mandate and the rest agreed. Some of them even agreed to have an exemption for the mandate restricted to health reasons only. However, knowledge and awareness should be increased before implementing this policy. After that, the relationship between the ethical principles of the immunization mandate was analyzed from the Islamic and Western perspectives. Technically, both show a positive view of the vaccination mandate. They hold some of the principles together. The technique of Maslahah aligned with utilitarianism which aims for good (beneficence).

Furthermore, Maqasid Shariah has almost the same idea as the western bioethical principle, of duty-based ethics. In other words, it can be understood that it is our duty to take the vaccine to give justice, autonomy, beneficence, and non-maleficence which eventually achieves all of the Shariah goals. Recommendation: Recommendation Prior to making the mandate, it is crucial for the government specifically the MOH to educate the people and increase awareness of children's immunization, especially in rural areas. Proper and continuous awareness is vital to ensure that all of the parents have the right information on the vaccine. Besides that, instead of imposing sanctions like fines and imprisonment on the parents who refused to get their children immunized, the government could take the issue to the court to determine.

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