

## The Establishment of Fundamental Shariah Compliant Hospital Management in Malaysia

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**Abstract:** The development of the Halal industry has taken place in many fields including food preparation, farming, logistic, tourism, sports and health. The Shariah Compliant Hospital Management (SCHM) is an examples of a new concept in the healthcare segment derived from the application of Shariah's Principle into the administration and the delivery services in the hospital. However, the deficiency of research discusses the fundamental requirement of establishing a Shariah Compliant Hospital Management (SCHM) in Malaysia is among the issues confronting. Besides, until this point, the organization is self-claimed because of absence of explicit rules given by the authorities. Thus, this paper attempts to identify the fundamental establishment of Shariah Compliant Hospital Management (SCHM) in Malaysia. Data was gathered through library research and qualitative analysis was carried out employing secondary data obtained. The important elements in establishing Shariah Compliant Hospital Management (SCHM) are to establish Shariah Advisory Council (SAC), appoint Shariah Compliant Officer (SCO) and develop Shariah Critical Point (SCP). These elements acknowledge the healthcare which complies to Shariah in the management level.

**Keywords:** Medical Tourism; Shariah Compliant Hospital; Management; Services; Maqasid Shariah; Healthcare

**Received:** 26th November 2019

**Accepted:** 24th December 2019

**Published Online:** 31st December 2019

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**Citation:** Hamzah MH, Jamaludin MS, and Md. Sawari MF. The Establishment of Fundamental Shariah Compliant Hospital Management in Malaysia. *J Halal Ind Serv* 2019; 2(1): a0000050

### Introduction

Health has a significant positive impact on sustainable social development and economic growth (Ahmed, Omar & Ogunbado, 2015). The disruption of health will result in human lives to suffer and collapse. Therefore, humans need specialized treatments to maintain their health. A hospital is the place where people diagnose, monitor, and treat diseases (Murtola, Lundgrén-Laine, & Salanterä, 2013). The efficiency and quality of the management in the hospital depend on the individuals administering the organization (M. K. Husain & M. J. Husain, 2012).

By record, the number of tourists comes to Malaysia increases throughout by years (Salman & Hasim, 2012) while Muslim tourist arrivals were 5.27 million which was equal to 4.4 percent of growth rate in 2014 (COMCEC, 2016). Among the factors attracting tourists come to Malaysia is because of healthcare travel. Patients tend to seek treatment at hospitals that are dependent on several factors. The factors that influence the choice of patients in a hospital are administration and management such as the appointment system, administration procedure, visiting hour, quality of services, doctor harassment, and a healthy environment (Mohsen, 2018; Rizqan, Suryawati & Sulisno, 2019). It indicates that management and administration are an important aspect of providing healthcare services. Therefore, there are many hospitals namely Shariah Compliant Hospital or Muslim Friendly Hospital thus interacting the tourism especially Muslim patient receiving the treatment and

service in the hospital.

Despite the emergence of Shariah Compliant Hospital Management in Malaysia, there is no proper existing guideline in establishing a Shariah Compliant Hospital. The existing Shariah Compliant Hospital is merely self-proclaimed by the hospital itself. Therefore, it is important to study the crucial element establishing Shariah Compliant Hospital Management to ensure the management and services provided are in compliance with the Shariah. Besides, it benefits to other researcher in extending the framework of Shariah Compliant Hospital Management concept in attracting patient come to Malaysia.

### Definition of *Shari'ah* Compliant Hospital Management

#### Terminology

Shariah Compliant Hospital defined as a healthcare services rendered in the hospital are in accordance with the Shariah principles or Islamic teaching (Shariff & Rahman, 2016). Its mean the Shariah Compliant Hospital is a concept where people are seeking the healthcare treatment and services in the healthcare provider which takes into account of the compliance with the principles in the Islamic law.

## Features and Characteristics of Shariah Compliant Hospital Management

In spite of Shariah Compliant Hospital Management been growth, the characteristics and features for claiming that the hospital is Shariah compliant is ambiguous. However, there are opinions given by the scholars and industry players regarding the characteristics in establishing Shariah Compliant Hospital Management (COMCEC, 2016).

As indicated by Samsudin *et al.* (2015) the core features and characteristics in building up the Shariah Compliant Hospital Management is by forming Shariah Supervisory Committee (SSC) in the organizational structure of hospital. The roles of SCC are to ensure constant supervision; clarification and reviewing that guarantees the operation of the hospital are in line with Islamic Law. A part from that, there are other interpretations by other researcher that recommend few ideal criteria to demonstrate particular hospital is comply with the Shariah principles (Kasule, 2016a). The criteria include the architectural design, having strong financial status, using high technology and high quality equipment. The services are offered to all regardless of religion or creed, provision of modern scientific medical care, the holistic patient care with respect to physical, mental, emotional, and spiritual are other criteria should be considered for Shariah Compliant Hospital Management (Zawawi, 2018). Furthermore, social needs and services that are not contradicted to principles of Shariah are also needed in recognizing Shariah Compliant Hospital (Kasule, 2016a).

Moreover, there is a study which believes that the criteria for setting up the Shariah Compliant Hospitals Management are focused on the particular elements such as food and medicines, facilities, financial, human resources, services and treatment as well as management (Rahman, 2019). According to Kamaruzzaman (2013), there are some measures to indicate the particular healthcare services is Shariah compliant. The broad measures for Shariah Compliant Hospital Management will include quality hospital management process, financial management with Shariah principles, adequate facilities for patients and staffs to perform *‘Ibādah* (compulsory Islamic ritual). Besides, a SCHM is responsible in providing foods and medicines that are *ḥalāl*, nursing procedures incorporate to Shariah’s needs, having adequate facilities for a quality patient care and having guidelines to handle Muslim patients.

However, Shariff and Rahman (2016) have their own characteristics to describe Shariah Compliant Hospital Management . The basic characteristic and the components that reflect Shariah Compliant Hospital Management are the understanding of the basic principles of Shariah, the principles of Halal and *Ḥarām*, the principles of *Mu‘āmalah*, implementing the Concept of Quality in Islam, and establishing Islamic Core Values within the organization which runs the hospital.

All points and criteria mentioned from literature above are the needs in considering the particular hospital as Shariah compliant. It’s integrating the good management of infrastructures and facilities as well as spiritual needs (Rahman, 2019). In addition, the hospital needs to adapt Shariah principles in the Standard Operating Procedure (SOP) in daily activities as well as monitor the quality hospital management process as set by the Ministry of Health (MOH) (Zulkifly, 2014).

The element of features and characteristics in Shariah Compliant Hospital could be summarized in the Table 1 below.

ELEMENT	DESCRIPTION
Management	SCHM should have expert panel as advisor, specific scheme and Shariah officer to advise and monitor the hospital management on Shariah compliant issues (Samsudin <i>et al.</i> , 2015; Kamaruzzaman, 2013).
Services	The nursing Standard Operating Procedure (SOP) incorporated with Shariah. The Shariah element must be in cooperate the Joint Commission International Accreditation Standard for Hospital to ensure the SOP entertained the Muslim needs in the hospital. Besides, SCHM services equipped with high technology and updated equipment in treating the patient (Kasule, 2016b; Kamaruzzaman, 2013).
Human resources	SCHM should have trained staff to advise Muslim patients regarding <i>‘Ibādah</i> and <i>Rukhṣah</i> . Moreover, the management should provide guidelines to handle Muslim and other patients belong to other religions. Besides, the management should provide workshop or training to staff regarding the <i>‘Ibādah</i> and <i>Rukhṣah</i> knowledge. Furthermore, SCHM should provide dress code covering the <i>‘awrah</i> for the staff (Kamaruzzaman, 2013).
Financial	SCHM is managed and controlled according to the Shariah law. All transactions of the organisation must be done without any doubt ( <i>shubhah</i> ), usury ( <i>ribā</i> ), fraud ( <i>gharār</i> ) and manipulation. The finance department in hospital should have an expert panel in <i>Mu‘āmalah Māliyyah</i> (transaction and trading). (Kamaruzzaman, 2013; Shariff & Rahman, 2016).
Facilities	SCHM adequate with facilities for patients and staffs to perform <i>‘Ibādah</i> (compulsory Islamic ritual) and other religions obligations including <i>tayammum</i> dust, <i>wuḍu’</i> bottle spray, clean garment, clean area for prayer and <i>‘Ibādah</i> booklet for patient (Kamaruzzaman, 2013; Kasule, 2016a)
Food & Medicines	SCHM provided Halal food for patients and visitors. The food premises and canteen in the hospital required to have Halal certification from JAKIM. For medicines, the pharmacy department required to follow MS 2424: Halal Pharmaceutical. However, if the Halal medicine is not available, consuming of <i>ḥarām</i> sources is allowed as implementing the principle of <i>Maṣlahah</i> in term of life protection ( <i>Hifẓ al-Nafs</i> ). The consumption of non Halal medicines and product should be advised by Shariah Compliance Officer and Medical Expertise such as doctor and pharmacist (Mohezar, 2015; Kamaruzzaman, 2013; Shariff & Rahman, 2016).

**Table 1.** Summary on the Features and Characteristics of Shariah Compliant Hospital.

## Methodology

Qualitative research was conducted to explore the concept of Shariah Compliant Hospital Management (SCHM). Data was gathered through library research utilizing secondary data obtained from official statistics, journal, books, internet resources, seminar, papers, and official reports related to the field of study. The existing article was reviewed to reveal the crucial requirement in establishing Shariah Compliant Hospital Management (SCHM).

## Results

Based on the literature review, there are several required criteria in establishing Shariah Compliant Hospital Management. The most required criteria are to establish Shariah Advisory Council, to appoint Shariah Compliant Officer and to develop Shariah Critical Point. These three elements are described in detail in the section below.

## The Main Requirement in Establishing in Shariah Compliant Hospital Management

### Establishment of Shariah Advisory Council

Shariah Advisory Council consist of internal and external individuals that are accountable to evaluate, advise and endorse the management of the hospital and the Shariah matter at the upper management level as shown in Figure 1. This council is led by the chairman of the SAC appointed among the Board of Director (BOD). The members of the Shariah Advisory Council are selected from qualified persons, specialists in the fields and possess good experience in the *Fiqh Medic*, *Uşul Fiqh*, *Fiqh 'Ibādah* and *Fiqh Mu'āmalah* (Islamic Transaction) either from the government or private institutions.

Moreover, the member should possess the necessary qualifications and experiences to advice on Shariah related issues, especially in the aspects of healthcare and Shariah (Shariff & Rahman, 2016). It could be selected amongst the specialist doctors in the hospital's departments or other hospitals that are core processor to Shariah matter such as nursing and clinical care. The consumption of biotechnology and chemical products are the reason for the needs of consensus and suggestions from the advisors regarding Islamic law (Samsudin *et al.*, 2015).

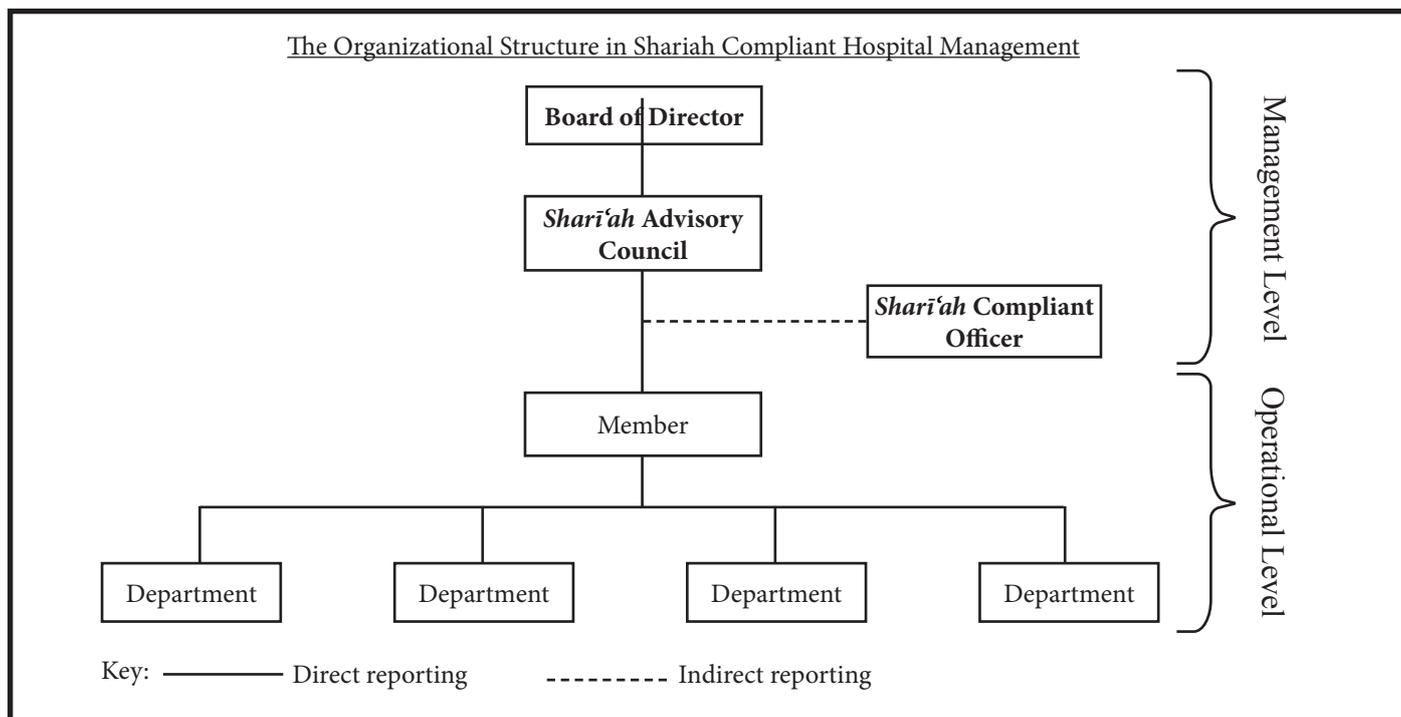


Figure 1. Shariah Compliant Hospital Management Organizational Structure.

### Appointment Shariah Compliant Officer

Shariah Compliant Officer (SCO) refers to a Shariah qualified person, who is accountable to monitor and ensure Shariah is observed and continuously practiced in the management of the organization according to the Shariah advisories' advises (MS 1900: 2014). The duties is similar to the *Halal Executive* (HE) in the Food Industry however, the job scope of SCO is wider which includes on management, Shariah Law explanation to the patient, implementation of Islamic values and ethics, as well as conducting spiritual workshops such as patient worship courses, periodic *Usrah* (staff meeting) and patient management courses. The Shariah Compliant Officer (SCO) should possess at least a

Diploma in Shariah from a recognized institution and undergo the related courses in Halal management.

The SCO is responsible for imposing Shariah values among hospital staff. MS2300: 2009 Value-Based Management Systems from the Islamic Perspective generally have described the appointment of representative for this purpose. The representative roles are as mentioned below:

- i. Ensuring the value-based management system is established, implemented, and maintained.
- ii. Suggesting for continuous improvements.
- iii. Coordinating the organization's value activities.
- iv. Being a reference point for matters to value system.

Shariah Compliant Hospitals Management (SCHM) should combined the three Islamic values at every level of the organization to achieve excellence (Rahman *et al.*, 2016). The main themes of value are Piety (*Taqwā*), Quality (*Itqān*) and Moral (*Akhlāq*) (Kasule, 2016b). The combination of three main values could be seen in the Figure 2 below.

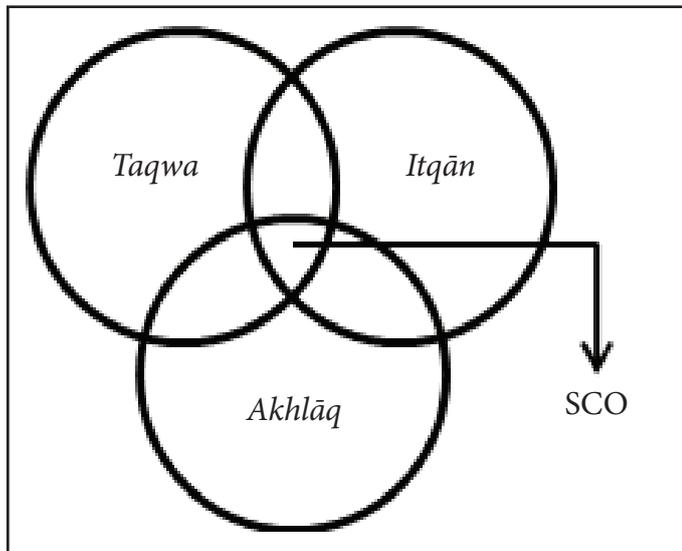


Figure 2. Main Values for SCO

Figure 2 demonstrates the combination of three main values. The combination of *Taqwā*, *Itqān* and *Akhlāq* produce high quality of SCO and staffs in the hospital (Kamaluddin & Abd Manan, 2010).

#### Develop of Shariah Critical Point

Shariah Critical Point (SCP) could be a comprehension manual for the staff of the hospital to refer to. This manual has been created to suit the situations in the hospital. There will be a responsible person for taking care and to enforce this manual of SCP. The responsible person will ensure that all issues in the hospital are dealt accordingly. The SCP has to be guided by the Shariah Advisory Council (SAC) to be referred to whenever issues related with the Shariah arise. SCP required SAC to discuss all the related items for the purpose of implementation. The main points of SCP cover the aspects of *Fiqh 'Ibādah* (Islamic Jurisprudence on Worship) and *Fiqh Mu'āmalah* (Islamic Jurisprudence on Business and Financial Activities) and others related field in the hospital.

Generally, the discussion of *Fiqh 'Ibādah* in SCP emphasize on the implementation of the obligation on Muslims as well as explaining how the patients are being guided in term of persistence of their clarifications of the Islamic teaching, while being treated for their medical circumstances. The items are mainly concerning the performing daily prayer (*Ṣolāh*), praying for sick, fasting for sick and issues pertaining to cleanliness and physical purity (*Tahārah*) such as *Wuḍu'* for sick, clean garment and places for prayer. Further discussion describes on the Islamic principle of *Darūrah* dan *Rukhsah* (Haq, 2016; Kasule, 2016a; al-Bakri, 2015).

*Fiqh Mu'āmalah* related to business and financial transactions must be free from forbidden (*Harām*) elements according to the Islamic Law including those pertaining to interest (*Ribā*), uncertainty (*Gharār*), and gambling (*Maisīr*). Moreover, *Mu'āmalah* covers the contracts transacted between a third party and the hospital (Shariff & Rahman, 2016).

Besides, the SCP points could be added in accordance with the new issues that arise in hospitals. It briefly describes the items of the issues and recommendation indicator referring the proof (*dalīl*) from the Quran and Sunnah.

## Conclusion

Building a healthcare organization that hold on to Shariah principle as a guidance, it is imperative to transform the organizational structure and its management. **Shariah Advisory Council (SAC)** is an important part of the organizational structure in hospital. The role of SAC is to construct the mission and objective of the hospital in line with Shariah at upper management level. Besides, **Shariah Compliant Officer (SCO)** is a crucial criteria in realizing the concept of Shariah compliant at operation level in the hospital. SCO is responsible to give their advices and explain to the Muslim patients on how to perform the prayer while in sick, ritual cleaning (*tahārah*), as well as to answer any question and issues related to Shariah. Lastly, **Shariah Critical Point (SCP)** is a comprehensive document as well as guidance used for implementing Shariah elements in the hospital. The document explaining code of conduct based on the situation faces by the medical practice at the hospital. The SCP provides proof from Quran and Sunnah giving the solution tackling the problem of the patient. It help the Shariah Compliant Officer and medical practitioner when required to advise and explain the issues to the patients in the ward.

## Conflict of Interest

The authors declare that there is no conflict of interest in this article review.

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