

Implementation of Sharia System in Sharia-Certified Hospitals

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Abstrak

DSN-MUI telah memberikan sertifikasi syariah kepada beberapa entitas yang memenuhi syarat sebagai entitas syariah, termasuk Rumah Sakit Muhammadiyah Lamongan, yang menerima sertifikat dari DSN-MUI dengan nilai 95% atau predikat mumtaz, diserahkan langsung oleh KH. Ma'ruf Amin selaku Ketua MUI. Penelitian ini bertujuan untuk mengevaluasi penerapan prinsip syariah di Rumah Sakit Muhammadiyah Lamongan, terutama dalam pelayanan pasien, berdasarkan maqasid syariah. Metode penelitian yang digunakan adalah kualitatif, dengan teknik pengumpulan data melalui observasi, wawancara, dan dokumentasi, yang kemudian dianalisis secara deskriptif. Hasil penelitian menunjukkan bahwa rumah sakit ini telah menerapkan empat ketentuan wajib dalam penyelenggaraan rumah sakit syariah sesuai dengan Fatwa DSN-MUI, yang meliputi akad, pelayanan, obat-obatan, makanan dan minuman, kosmetik, bahan guna lainnya, serta pengelolaan dana. Setiap ketentuan diterapkan sesuai dengan standar dan elemen penilaian DSN-MUI, menandakan bahwa Rumah Sakit Muhammadiyah Lamongan telah berhasil memenuhi standar sebagai rumah sakit syariah yang disertifikasi dan mengoperasikan rumah sakitnya sesuai dengan prinsip-prinsip syariah

Kata kunci: Rumah Sakit Syariah, Fatwa DSN_MUI, Pelayanan Pasien

Abstract

DSN-MUI has granted Sharia certification to several entities that meet the criteria for being recognized as Sharia entities, including Muhammadiyah Hospital Lamongan. This hospital received the certificate from DSN-MUI with a score of 95% or an excellent rating, presented directly by KH. Ma'ruf Amin, the Chairman of MUI. This study aims to evaluate the implementation of Sharia principles at Muhammadiyah Hospital Lamongan, particularly inpatient services, based on maqasid shariah. The research employs a qualitative methodology, using data collection techniques such as observation, interviews, and documentation, which are then analyzed descriptively. The results indicate that the hospital has applied four mandatory provisions for Sharia hospital management according to the DSN-MUI Fatwa, including contracts, services, medications, food and beverages, cosmetics, other utility items, and fund management. Each provision is implemented by DSN-MUI standards and assessment criteria, demonstrating that Muhammadiyah Hospital Lamongan has successfully met the standards as a certified Sharia hospital and operates according to the established Sharia principles.

Keywords: Sharia Hospital, DSN_MUI Fatwa No. 107/DSN-MUI/X/2016, Patient Services

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1. INTRODUCTION

In 2016, Sharia hospitals emerged amidst the predominantly Muslim population of Indonesia. Their presence meets the community's healthcare needs, including medications and hospital services, by emphasizing Sharia principles. This phenomenon is an

undeniable fact that the development of the halal lifestyle is increasingly strengthening. Therefore, the Indonesian Islamic Healthcare Efforts Assembly (MUKISI) organized the International Islamic Healthcare Conference and Expo (IHEX) on March 21-23, 2019, at the Jakarta Convention Center (JCC) with

the theme "The Blessings of Sharia Hospitals in the Era of Revival," in collaboration with the National Sharia Council (DSN) of the Indonesian Ulema Council.

A Sharia hospital is a hospital where all activities are based on maqasid syariah, the objectives of Islam. In practice, Sharia hospitals operate according to the fatwa issued by the National Sharia Council (DSN) of the Indonesian Ulema Council (MUI) No. 107/DSN-MUI/X/2016, which provides guidelines for hospital management based on Sharia principles. These guidelines include several mandatory provisions for hospitals that implement Sharia principles, such as agreements, services, medications, food and beverages, and hospital fund management. Sharia hospitals are built out of a religious call to guide human life towards the application of muamalat based on Islamic law, organizing healthcare institutions according to Sharia principles to demonstrate human obedience to Allah SWT by serving humanity through healthcare services.

A Sharia hospital certificate can be obtained if a hospital has been proven to implement standard Sharia operational procedures as per DSN-MUI. As stated by KH. Ma'ruf Amin, the chairman of DSN-MUI, the certification of Sharia hospitals is a form of implementation of DSN-MUI Fatwa No. 107/DSN-MUI/X/2016, which provides guidelines for hospital management based on Sharia principles. This is part of DSN-MUI's grand vision to promote Sharia economics within the community and to incorporate Sharia principles into the community's economic practices.

Muhammadiyah Hospital Lamongan serves the community of Lamongan City, striving to excel in good deeds alongside other hospitals in providing healthcare services. As this hospital was established by the Muhammadiyah organization, it endeavors to apply Sharia principles in its operations. The Islamic principles underlying Muhammadiyah drive Muhammadiyah Hospital Lamongan to operate as a truly Sharia-compliant hospital. As a result, on April 10, 2018, Muhammadiyah Hospital Lamongan received a Sharia hospital certificate from DSN-MUI, presented by KH. Ma'ruf Amin, the chairman of MUI, achieved a score of 95% or an excellent rating. This recognition was awarded because its operational processes and services adhere to Islamic practices and Sharia law, supported by adequate facilities and services. The adequacy of these facilities and services is further evidenced by the hospital's full accreditation from KARS (Hospital Accreditation Committee). This study aims to analyze whether Muhammadiyah Hospital Lamongan continues

to provide patient services to Sharia principles and whether the contracts used in transactions comply with Sharia principles based on DSN-MUI No. 107/DSN-MUI/X/2016.

The Concept of a Sharia Hospital

Rumah sakit syariah adalah rumah sakit yang operasionalnya mengikuti maqasid syariah, yaitu tujuan-tujuan dasar dalam syariat Islam seperti perlindungan agama, jiwa, akal, keturunan, dan harta. Rumah sakit ini mengelola dana dengan lembaga keuangan syariah, menerapkan akad syariah dalam transaksi, dan memastikan obat, makanan, dan minuman halal. Agar disebut rumah sakit syariah, sebuah rumah sakit harus mendapatkan sertifikasi dari Dewan Syariah Nasional Majelis Ulama Indonesia (DSN-MUI) dan mematuhi standar operasional yang tercantum dalam fatwa DSN-MUI No. 107/DSN-MUI/X/2016. Standar ini disusun bersama MUKISI dan mencakup lima bab perlindungan dengan dua kelompok standar: manajemen dan pelayanan, serta elemen penilaian.

Five principles of maqasid syariah:

- a. The principle of preserving religion, as Allah SWT says in Surah Al-Baqarah 2:256.

لَا إِكْرَاهَ فِي الدِّينِ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ فَمَنْ يَكْفُرْ
بِالطَّاغُوتِ وَيُؤْمِنْ بِاللَّهِ فَقَدْ اسْتَمْسَكَ بِالْعُرْوَةِ الْوُثْقَى لَا
انْفِصَامَ لَهَا وَاللَّهُ سَمِيعٌ عَلِيمٌ ﴿٢٥٦﴾

There is no compulsion in religion; the right path has become clear from the wrong path. So whoever renounces false gods and believes in Allah has certainly grasped the firmest, unfailing handhold. And Allah is Hearing and Knowing.

- b. The Principle of Preserving Life (hifzan-nafs). Preserving life aims to safeguard the right to live with dignity and to protect the soul from acts prohibited by Islam, such as murder, mutilation, or actions that may cause harm, including consuming foods that can damage the body if consumed excessively or wastefully. This is contained in Surah Al-Baqarah, verse 195, as follows: And spend in the way of Allah, and do not throw yourselves into destruction, and do good; indeed, Allah loves those who do good. Similarly, the prohibition against excess or israf in consumption is mentioned in Surah Al-A'raf, verse 31.

﴿يٰۤاَيُّهَا اٰدَمُ خُذْ وَاٰزِيۡنَكَمۡ عِنۡدَ كُلِّ مَسۡجِدٍ وَكُلُوۡا وَاشۡرَبُوۡا وَلَا

تُسْرَفُوا إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ ﴿١١﴾

The children of Adam, take your adornment at every place or time of prayer, and eat and drink, but be not excessive. Indeed, Allah does not like those who commit excess. The meaning of excess in this verse is not to exceed the needs of the body and not to go beyond the limits of permissible food.

c. Principle of Preserving the Mind (hifzal-aql)

Human beings are creatures of Allah SWT distinguished from others by two key aspects. First, Allah SWT has created humans in the most beautiful and perfect form compared to other creatures. However, this beautiful form is of no use without the second aspect: the mind. The mind is a crucial gift from Allah that allows humans to distinguish between truth and falsehood. Given this gift, humans are tasked with worshiping Allah. Those without mental faculties are not held to religious duties. Therefore, Sharia prohibits intoxicants like alcohol, which can impair mental creativity and motivation. This prohibition is based on Surah Al-Ma'idah, verses 91.

إِنَّمَا يَرِيدُ الشَّيْطَانُ أَنْ يُوقِعَ بَيْنَكُمُ الْعَدَاوَةَ وَالْبَغْضَاءَ فِي الْخَمْرِ
وَالْمَيْسِرِ وَيُصَدِّكُمْ عَنْ ذِكْرِ اللَّهِ وَعَنِ الصَّلَاةِ فَهَلْ أَنْتُمْ مُنْتَهُونَ ﴿٩١﴾

﴿٩١﴾

Indeed, Satan intends to cause hostility and hatred among you through intoxicants and gambling and to avert you from the remembrance of Allah and prayer. So, will you not desist?

d. Principle of Preserving Lineage (hifzhu al-nasl)

The welfare of both worldly and spiritual life aims to ensure the continuity of future generations. Sharia, which applies to one generation, is meaningless if it leads to the extinction of humanity. Therefore, Islam regulates marriage, prohibits adultery, and specifies who may or may not be married, how marriage should be conducted, and the requirements for a valid marriage. This ensures that relationships between different genders are not considered adultery, and children born from these relationships are recognized as legitimate offspring. All these regulations are intended to preserve healthy and legitimate lineage in a peaceful and harmonious environment. This is mentioned in Surah An-Nur, verse 32.

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنَّ

يَكُونُوا فُقَرَاءَ يُغْنِيهِمُ اللَّهُ مِنْ فَضْلِهِ وَاللَّهُ وَاسِعٌ عَلِيمٌ ﴿٢٣﴾

And marry those among you who are single, and the righteous among your male and female servants. If they are poor, Allah will enrich them from His bounty. And Allah is Munificent and Knowing.

e. Principle of Preserving Wealth (Hifzhu al-maal)

Although all property ultimately belongs to Allah, Islam also recognizes individual ownership rights. Since humans are often greedy for wealth and may seek it through various means, Islam has established regulations to prevent conflicts over property. Therefore, Islam has set rules for transactions such as buying and selling, renting, and pawning, and it prohibits fraud and usury. Preserving wealth is understood as regulating financial transactions based on justice and mutual consent, as mentioned in Surah An-Nisa, verse 29.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ
تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ

رَحِيمًا ﴿٢٩﴾

you who have believed, do not consume one another's wealth unjustly or send it [in bribery] to the rulers so that [they might] knowingly consume a portion of the wealth of the people in sin, while you know [it is unlawful]

a. Contracts in Shariah Hospitals

A contract, or Akad, is a binding agreement between parties that is sanctioned by Shariah, establishing mutual consent from both sides. It can be defined as an intentional action or agreement made by two or more parties, based on mutual consent, which creates new legal consequences for those involved. In a Shariah hospital, all financial transactions, whether with patients or others, must be conducted using Shariah-compliant contracts. From acceptance and recording to storage and use of funds, the terms must be clearly defined to avoid any actions that could be detrimental to either party or more.

b. Public services

Involves a series of activities aimed at meeting the needs of citizens by the legal provisions for goods, services, and/or administrative services. This is governed by Law No. 25 of 2009 on Minimum

Service Standard Every state institution, corporation, independent body established for public service, and other legal entities created solely for public service must adhere to these regulations. Public services can include both goods and services provided by central and regional government bodies, state-owned enterprises (SOEs), or regional-owned enterprises (ROEs), aimed at fulfilling public needs and complying with legal regulations.

Public service should: a. Enhance the effectiveness and efficiency of service systems and practices. b. Encourage creativity, initiative, and community involvement in development and improving public welfare. c. Improve the quality and productivity of government tasks in public service.

Building public trust in public services is crucial, as it aligns with the expectations and demands of citizens. Improving public service should be a primary focus for the government, as it is an integral part of social rights and fundamental rights.

- c. **Fatwa DSN-MUI No. 107/DSN-MUI/X/2016** was issued to provide guidelines for the operation of Sharia-compliant hospitals due to the presence of Islamic hospitals that have not fully implemented Sharia principles, the lack of specific regulations, and the community's need for clear guidelines. This fatwa aims to regulate the operation of hospitals according to Sharia principles and address existing gaps in the sector.

2. RESEARCH METHODOLOGY

In this study, the researcher used a qualitative approach. Qualitative research is a research procedure that produces descriptive data, which can be observed in the form of written or spoken words and human behavior. According to Kirk and Miller, qualitative research is a specific tradition within the social sciences that fundamentally relies on observing people in their environments and interacting with them in their language and terms. This qualitative research has characteristics that distinguish it from other types of research.

According to Liche Seniati et al., qualitative research yields data that are not in the form of numbers but rather personal notes obtained from observations, interviews, and historical records. The researcher chose a qualitative approach because the data will be collected from informants in the field and will be descriptive qualitative data. This data is expected to help the

researcher obtain information relevant to the research topic.

3. RESULTS AND DISCUSSION

At Muhammadiyah Lamongan Hospital, the implementation of the Sharia hospital concept adheres to the provisions of DSN-MUI Fatwa No. 107/DSN-MUI/X/2016, covering akad (contracts), services, pharmaceuticals, food and beverages, cosmetics, and fund management.

a. Contracts at Muhammadiyah Lamongan Hospital

The implementation includes: 1). Employee wages and healthcare services paid using ijarah contracts; 2) use of ijarah, bai', mudharabah, and musyarakah mutanaqishah contracts with medical equipment suppliers; 3) bai' wakalah bi al-ujrah contracts with pharmaceutical suppliers; 4) musyarakah contracts for collaboration with other institutions.

b. Services at Muhammadiyah Lamongan Hospital

Muhammadiyah Lamongan Hospital implements Sharia principles in its services by emphasizing fairness and equity in calculating patient costs. The hospital has taken measures to prevent errors in treatment cost calculations to avoid losses for patients and ensure compliance with Sharia principles.

c. Hospitals are required to provide spiritual and religious

consultations tailored to patients' needs for their recovery. Hospital staff or employees offer spiritual care by assisting patients in a coma or unconsciousness with prayer guidance, including whispering prayers. This support is also extended to patients with serious conditions such as advanced-stage cancer, HIV, or chronic diseases. The aim is to aid patient recovery through recitations of prayers and supplications derived from the Qur'an and Sunnah.

d. Hospitals, patients, and patient guardians must uphold moral integrity.

To uphold moral integrity, Rumah Sakit Muhammadiyah Lamongan provides education for patients and their families by offering books and posters with prayers for the sick. The hospital is committed to avoiding sinful actions, bribery, oppression, and practices contrary to Islamic law. This commitment is evident in their services, including providing headscarves for female patients

who do not wear them and special clothing for breastfeeding mothers to maintain modesty. Additionally, all patient examinations are conducted according to gender.

e. The Hospital Must Have a Sharia Supervisory Board

Before being certified as a Sharia-compliant hospital, Muhammadiyah Hospital Lamongan had already established a Sharia Supervisory Board (DPS), appointed directly by the director. The DPS is responsible for overseeing the hospital's operations to ensure they adhere to Sharia principles and do not violate them. The board also formulates comprehensive work programs to create a more Sharia-compliant hospital. The director of RSML, Dr. Hj. Umi Aliyah, M.Kes, explained that the DPS of Muhammadiyah Hospital Lamongan is Drs. KH. Hakam Mubarak, LC, MPd, also serves as the vice-chairman of PD Muhammadiyah Lamongan.

f. The Hospital Must Have Guidelines for Muslim Patients' Worship, Especially on Purification and Prayer for the Sick

Muhammadiyah Hospital Lamongan regularly conducts training programs for all its staff. These training programs focus on providing services to patients regarding the fiqh of the sick. This includes teaching the procedures for prayer for patients, purification for patients who cannot get their bodies wet, guiding and accompanying patients during the throes of death with talqin, teaching how to wear the hijab for female patients, and guiding prayers before patients undergo surgery.

g. Medications, Food, and Drinks at Muhammadiyah Lamongan Hospital

Muhammadiyah Lamongan Hospital implements the Syariah concept in medication use, ensuring all medicines are free from haram substances, except in emergencies requiring informed consent from the patient and their family. Medication packaging includes religious messages and a staff guide on taking medication with prayers. Patients are also advised to consult immediately if the medication is unsuitable or ineffective.

h. Placement, Use, and Development of Funds at Muhammadiyah Lamongan Hospital

Muhammadiyah Lamongan Hospital is required to use the services of Sharia financial institutions such as banks, insurance, financing institutions, guarantee institutions, and pensions. The management of funds is carried out in

collaboration with Sharia banking institutions, such as BNI Syariah or BRI Syariah, for employee payroll. Funds and assets are managed according to Sharia principles, with Sharia-compliant financial and accounting management. The hospital's financial budget plan is prepared based on Sharia principles, and financial records are kept by Sharia accounting standards. Marketing and promotion are conducted without bribery, in cooperation with insurance, financial institutions, and health institutions. The hospital does not invest funds in businesses or financial transactions that contradict Sharia principles.

i. The hospital must have guidelines for managing zakat, infaq, sadaqah, and waqaf funds.

Every employee of Muhammadiyah Lamongan Hospital is required to pay zakat, which is deducted from their wages. The zakat funds are then paid to official zakat institutions in collaboration with the hospital. For patients who are unable to afford their treatment, the hospital provides financial assistance, which may come from the employees' wages allocated by the hospital.

4. CONCLUSION

Muhammadiyah Lamongan Hospital has implemented Sharia principles by DSN-MUI Fatwa No. 107/DSN-MUI/X/2016 regarding guidelines for operating hospitals based on Sharia principles. This includes principles related to contracts (akad), services, medications, food, and drinks, as well as financial management. These principles have been applied for a long time as part of the hospital's efforts to obtain certification and be labeled as a Sharia-compliant hospital. Based on the fatwa, Muhammadiyah Lamongan Hospital has adhered to the four mandatory provisions: contracts, services, medications, food and drinks, cosmetics, and other consumables, and financial management. All these provisions are applied by the standards and assessment elements certified by DSN-MUI, demonstrating that Muhammadiyah Lamongan Hospital is a Sharia-compliant hospital that has been certified and operates according to the established Sharia standards.

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