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What is Shariah Compliant Hospital Criteria and Scope?

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Abstract

SIRIM has endorsed a new guideline for a Quality Management System from Islamic perspective, MS1900:2014 certification for a Shariah Compliant Hospital standard requirement. Since Shariah Compliant Hospital is a new industry in Malaysia, there are many questions on what is the Shariah Compliant Hospital criteria? The researcher discuss with detailed example the Shariah Compliant Hospital criteria and scope from four aspect which divide to people, structure, work process and technology. The four aspect discussed were from the management view and should comply with Shariah requirement which will advise by Shariah Advisor or Shariah Compliance Officer. The standard are develop based on Shariah to meet the customers need and satisfaction. Besides, it will improve medical tourism industry and attract more tourist to visit Malaysia. The standard will improve continuously to meet the new changes requirement and to increase customer satisfaction.

Keywords: Hospital, Management, Shariah Compliant Hospital, Halal.

Shariah Compliant Hospital

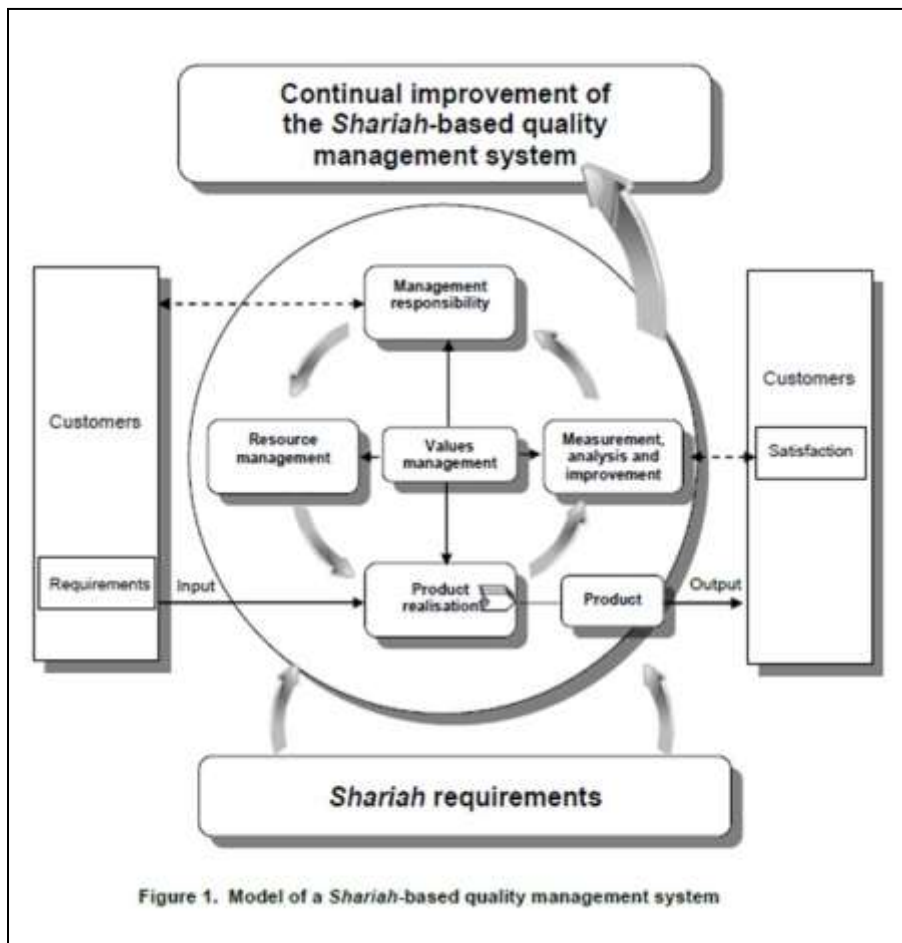
What is Shariah Compliant Hospital? What is the criteria and scope of Shariah Compliant Hospital? Many other questions about Shariah Compliant Hospital. But some of the people even never heard of Shariah Compliant Hospital or did not concern about Shariah Compliant need in hospital. Some of them think hospital are for people who have falling sick and require medical treatment or operation. However they did not realize that the medical procedures, medications, food provided in hospital and others also should comply to Shariah. As a Muslim, we must fully obey to Allah commands and avoid the prohibited.

SIRIM has endorsed standard requirement for Shariah Compliant Hospital, MS1900:2014 certification for Islamic perspective. SIRIM is an accredited certification, inspection and testing services provider in Malaysia. The accreditation from SIRIM increase confidence and satisfaction among Muslims and other stakeholders of the organization.

The original idea of Shariah Compliant Hospital actually started since 1988 by Hospital Universiti Sains Malaysia (HUSM) by introduce wearing mini scarf for their staff but it is not too extensively. In 2002 HUSM started workshop for Hospital Mesra Ibadah to rebrand their hospital towards comply to Shariah and implement in their hospital in 2004. However their concept is a bit different with Shariah Compliant Hospital which will discuss in this paper because they focus more on Fiqh Ibadah as of now.

On the other hand, Specialist Hospital Annur Bangi was the first hospital in Malaysia awarded with Shariah Compliant Hospital accreditation by Scientific and Industrial Research Institute of Malaysia (SIRIM) under MS1900:2014 Quality Management System. Shaharom (2016) mention Shariah Compliant Hospital is an organization which fully comply to Shariah including job scope, procedure and staffing requirements.

Figure 1. MS1900:2014 Model of Shariah-based Quality Management System



Main issues discuss regarding Shariah Compliant Hospital generally more about the procedures and medicines. For examples, the discussion arised on how a male doctor can deliver a baby in labour room which related to aurat since the doctor and patient are from different

gender; and also the doubt of the medicine given is halal or not, since some of the capsule was made from porcine gelatine. The gelatine which derive from porcine (pig) is haram for Muslim to consume since there is prohibition in Quran (2:173).

“He has only forbidden to you dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah . But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit], there is no sin upon him. Indeed, Allah is Forgiving and Merciful.” Quran (2:173)

The Shariah Compliant Hospital has broad area to cover and beyond those discussions. According to Shariff & Rahman (2016), Shariah Compliant Hospital covered Fiqh Ibadah and Fiqh Muamalah. They describe Fiqh Ibadah, means the relationship between the persons with Allah covers daily prayers, fasting and cleanliness while Fiqh Muamalat on the other hand covers the activities relates with society such as buying and selling transaction, takaful, food preparation and others.

The researcher agree that Shariah Compliant Hospital should cover all aspect in the hospital organisation and there should be integration including four aspect which are people, structure, work process and technology as stated by Yadav (2006) and at the same time, all the scope should comply to Shariah.

Shariah Compliant Hospital Criteria

There are certain requirement set by SIRIM to an organization in order to apply for Shariah Compliant accreditation under MS1900:2014. The organization or business should not involved in prohibited activities in Islam, either non-Halal product or non-permissible to Shariah.

Any business producing or selling non-Halal product such as pork and liquor; gambling and gaming; financial services solely base on riba (interest); conventional financials or insurance; stockbroking or share trading in Shariah non-compliant securities/companies; pornography; entertainment activities that are non-permissible according to Shariah; and other activities deemed non-permissible according to Shariah are not applicable for MS1900:2014 standard.

There are prohibition in Quran for above activities which did not permissible to Shariah. For example, the prohibition of pork in verse 5:3; prohibition of liquor and gambling in verse 2:219; prohibition of interest in verse 2:275; and prohibition of approaching zina for pornography in verse 17:32.

“Prohibited to you are dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah...” Quran (5:3)

“They ask you about wine and gambling. Say, “In them is great sin and [yet, some] benefit for people. But their sin is greater than their benefit.”... Quran (2:219)

“...But Allah has permitted trade and has forbidden interest...” Quran (2:275)

“And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way”. Quran (17:32)

There are a few criteria for Shariah Compliant hospital according to SIRIM MS1900:2014. According to the previous guideline discussed earlier, hospital should not involved with pork and liquor business in their premises; neither provide food contains pork and liquor to their patients; or selling pork and liquor to their visitors.

From the financial aspect of the hospital, they should not involved with conventional financials or insurance. If they have investment, their investment should be in permissible business or Shariah Compliant stock market. The purpose of using Takaful and Islamic financials are to avoid involve in riba and gambling. While invest in Shariah Compliant stock market will ensure the business they invest did not involves with pork, liquor, riba, gambling, pornography or other non-permissible activities to Shariah.

For the hospital activities, they should refer to Shariah Advisor or Shariah Compliant Officer in the hospital to make sure their activities does not contradictory with Quran and Sunnah or involve in non-permissible activities to Shariah.

Shariah Compliant Hospital Scope

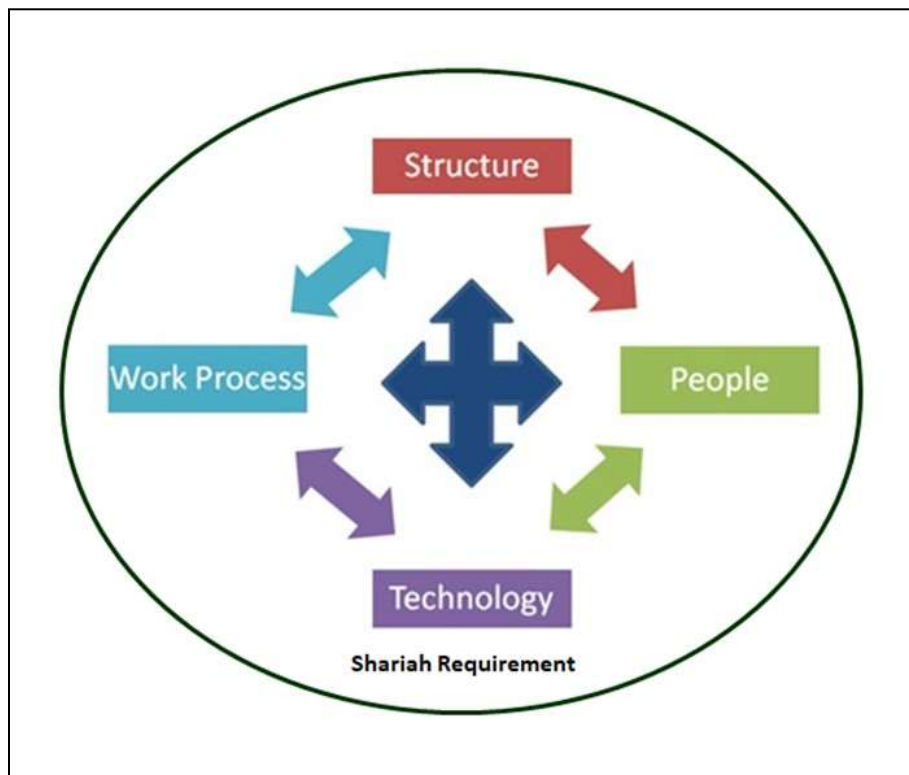


Figure 2: Shariah Compliant Hospital Scope
People

People is the main key player for organisation because the staff in the organisation will reflect the organisation itself. Hence, the selection is the first step in recruitment which filter the candidate for hospital staff. There must be a few criteria that the candidate should have. For example, the candidate should have a right attitude and Islamic core values with basic understanding in Shariah principles. Other criteria for Muslim candidates such as the person should cover her aurat, perform solah, non-smokers and fulfil the requirement for the job scope.

Structure

Structure in the hospital should have Shariah Advisor to guide and monitor the organisation activities which should comply to Shariah. The management of the hospital including administrative, accounting, human resource, marketing and operations should refer to Shariah Advisor advise to ensure their practice fulfil the Shariah requirement. Shariah requirement purpose is to protect the elements in Maqasid Shariah which are to protect religion, life, intellect, descendents and property.

Administrative department responsible for the whole registration license of the organisation including request for accreditation of quality management system and deal with authorities such as Department of Standard Malaysia (SIRIM), Department of Islamic Development Malaysia (JAKIM) and others. On the other hand, the accounting department should avoid riba transaction in purchasing equipment and assets since there is riba prohibition in Quran (2:275).

"... That is because they say, "Trade is [just] like interest." But Allah has permitted trade and has forbidden interest ..." Quran (2:275).

In order to avoid riba transaction, the organisation should using Islamic bank account for payment and sales. For any purchasing of equipment or supplies, the organisation should using Islamic contract (if they have option) including takaful contract for their employees to avoid riba (interest), gharar (uncertainty) and maisir (gambling).

While human resource department should be fair treatment to their employees for increment and promotions. Besides, they should adapt Islamic core value to their staff as an organisation culture. The Islamic core value that could be applied in the organisation such as honesty, justice, patience, sincere and other positive values.

On the other hand, marketing department also should have a guideline in their marketing strategy such as using Muslimah model cover her aurat in the advertising banner or other media; and avoid exploitation of religion to promote the product and services.

Operation department has a bigger scope including medical procedures and medicine. Hence, operation department need more involvement from Shariah Advisor to decide the status of Halal and Haram; before they come out with new fatwa.

Work Process

Work process is where the Standard of Procedure (SOP) or work flow from the patient registration until they discharge from the hospital. The process will cover many area such as receptionist, physician, operation theatre, wards, nurses, pharmacy, canteen and others. For Shariah Compliant hospital, the work process should comply to Shariah.

Receptionist responsible to register the patient and set appointment with the physician. They are the front line that will reflect the image of the hospital. They should greet with polite manner and wear appropriate dress which cover their aurat. As a Muslim, we are ordered to treat people fairly. The person in charge should not bias based on the background of the patients either they are from other religion or social status. For example they give the priority in sorting the queue for treatment to some people that has position in social status or has relationship with them.

Physician need to diagnose the patients, if the physician is a different gender with the patients, there must be a chaperone (normally nurses on duty) to accompany the patients as a witness to avoid any misunderstanding or slander.

Some spiritual element also practices in the work process. For examples, the recitation of Doa (prayer) before begin a surgery in operation room, asking for successful of the operation and patients healing process. While in wards, it is more convenience if the bed is facing the Qibla for serious ill patients to perform Solah on their bed. Here is the role of nurses and also Shariah Advisor to assist the patients how to take Wudhu and perform Solah. Even when the patients are dying, there are religious officer guide the patients to repent and remember to Allah.

The pharmacy will provide the medicine from the physician's prescription by finding the halal medication. If there are no other option, they will inform the patients concern that the medicine contain Haram/Syubhah ingredients and they will let the patients to decide either they want to consume the medication or not. Sadeeqa, Sarriff, Masood, Farooqi & Atif (2013) quotes, Department of Standards (SIRIM) has launched world's first standards, MS 2424:2010 for Halal Pharmaceuticals which involves other authority body such as Department of Islamic Development Malaysia (JAKIM). They also found that general medical practitioners and academicians had a good knowledge towards Halal pharmaceuticals; and majority of them knews that Muslim patients needs Halal medications. Sadeeqa & Sarriff (2014) quotes from Hoesli & Smith (2011) that hospitals involve the patient when making treatment decisions, since patients have the right to make decisions for their medical treatment.

Canteen also not exempted, the hospital need to ensure they provide halal food in their premises. According to Madhok, Bhopal & Ramaiah (1992), they found a problem in hospital's diets in Middlesbrough which provide forbidden foods. For example Muslim has to consume halal food while many Hindus are vegetarian. Andrea Whittaker & Heng Leng Chee (2014) states as in hotel, hospitals put an effort to cater the patients taste by providing option for menu such as Western, halal Middle Eastern, Japanese and Thai. For example in Thailand's hospital, they separate the Arab patients from others and offer Halal food from the hospitals or order from

outside restaurant. Hence, the Shariah compliant hospital need to ensure their cook using Halal ingredients and get Halal certificate from Department of Islamic Development Malaysia (JAKIM).

The latest issues regarding the laundry to perform Solah. The hospital should provide laundry services for patients which comply to Shariah. For example, Muslim needs a clean clothes to perform Solah while there is on going debate on how to handle laundry facilities to avoid mixture of unclean clothes or blood stain with other clean clothes. The clothes should not look clean, but it should also sanctify in order for Muslim perform Solah.

Technology

Last but not least is the technology used in the hospital also should comply to Shariah including the equipment or the fatwa of certain technology. For example, the hospital were prohibited from performing abortion without referring to Shariah Advisor for certain cases such as rape; prohibition of transgender, plastic surgery for beauty purpose, bank sperm and others. In certain cases such as using the animal (pig) organ might need to advise the patient concern.

Conclusion

The guideline from SIRIM MS1900:2014 set as a benchmark for an organisation receive accreditation for Shariah Compliant. SIRIM is a recognise body for accredited certification, inspection and testing services provider in Malaysia. the accreditation will give more confidence and satisfaction to the organisation stakeholders.

Besides, Shariah Compliant Hospital also will attract patients and visitors from other country to visit Malaysia as one of the medical tourism which will promote our services especially in Asia Islamic Countries and Middle East.

Shariah Compliant Hospital procedure might change in future based on necessity and needs; according to time and situation. Shariah Advisor will advise based on Quran and Sunnah; from JAKIM and Mufti advise to fulfil the Maqasid Shariah (Shariah purpose) which to protect religion, life, intellect, descendents and property.

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