

Editorial

Shari'ah Compliant Hospital; From Concept to Reality: A Malaysian Experience

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Hospitals are institutions where the healthcare services are being rendered in the form of inpatients, outpatients and emergency service. A *Shari'ah* Compliant hospital is where the healthcare services rendered in the hospital are in accordance with the *Shari'ah* principles or Islamic teachings.

In Malaysia, 'SIRIM Berhad', formerly known as Standard and Industrials Research Institute of Malaysia, is a company appointed by Department of Standards Malaysia as the government agency to develop, distribute and certify standards. It is also the local International Organisation for Standardisation (ISO) certification agency. SIRIM through several government bodies and higher education institutions has developed a general *Shari'ah* based Quality Management System (MS 1900:2014). The MS 1900:2014 document provides general guidelines towards implementing a *Shari'ah* based quality management system. The framework is as per figure 1. This generic *Shari'ah* based quality standard can be applied to any industry with requirements which may be specific to that particular industry.

There is a need to develop a *Shari'ah* Compliant Medical Practice Quality System which can be institutionalised and can be implemented as the compliance requirement. For *Shari'ah* compliant hospital, all the Standard Operating Procedures (SOPs) of the hospital management have to conform to MS 1900:2014 This will serve as a reference for any hospital to be certified as a *Shari'ah* Compliant Hospital in future. The hospital components also include a team of individuals with relevant medical knowledge utilising current technology and work processes to manage patients. These work processes are being translated into SOPs.

These work processes have to incorporate what is termed the *Shari'ah* Critical Control Points, SCCP. The SCCP has to be guided by a *Shari'ah* Advisory Council which forms part of the Organisational Structure to be referred whenever issues related to

Shari'ah arised. The SCCP requires the *Shari'ah* Advisory Council to discuss all relevant items for the purpose of implementation. The Advisory Council consist of members who are qualified to collectively provide advice on *Shari'ah* related aspects of healthcare and comprises of Shariah and healthcare experts. The major SCCP items cover aspects of *Fiqh Ibadah* (*Islamic Jurisprudence on worship*) and *Fiqh Muamalat* (*Islamic Jurisprudence on business and financial activities*)

Fiqh Ibadah relates to how patients are being guided in term of continuation of their observations of Islamic teaching while being treated for their medical conditions. The related items are mainly concerning daily prayers (*solat*), fasting and also issue's pertaining to cleanliness and physical purity (*taharah*). *Fiqh Muamalat* meanwhile relates to business and financial transaction which must be free from forbidden (*haram*) elements including those pertaining to interest (*riba'*), uncertainty (*gharar*) and gambling (*maisir*)^{1&2}. This also covers contracts transacted between third party and the hospital

Is there a necessity for *Shari'ah* compliant hospitals? Muslims are obliged to observe the *Shari'ah* in all aspects of their lives. There are several issues in healthcare which are doubtful in nature as regards their adherence to Islamic Principles. This include whether the medications and services provided are *halal* (permissible) or *haram* (prohibited). A case in point is the gelatine used in producing capsules. Most are derived from pig porcine – base) which is *haram* for Muslims. There are also capsules made from *halal* products (example vegetable derived) but their availability is limited.

On the other hand, there are arguments that it is not appropriate to mix branding and marketing with religion. Islam as a religion does influence its followers to accept brands that are *halal* or *Shari'ah* compliant. The Islamic market has great potential and has not been properly addressed. It is thus not only

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about building a religious brand but rather building a brand that appeals to the Muslim diaspora. There are 1.7 billion Muslim currently in this world which can be tapped upon³.

As Allah's vicegerents on this earth, for Muslims, it is their outmost duty to be able to be a citizen of a country that implements the principles of *Shari'ah* in all aspects of our lives. Allah ordained in the Qur'an "we have not created jin and man except to worship (Allah)" (Holy Quran, 51:56). The purpose of creation by the Creator is to worship Him. Hence every activities of the human life is for obedience, submission and devotion (*ibadah*) and thus implementation of the *Shari'ah* will facilitate the performance of *ibadah* in all aspects of life

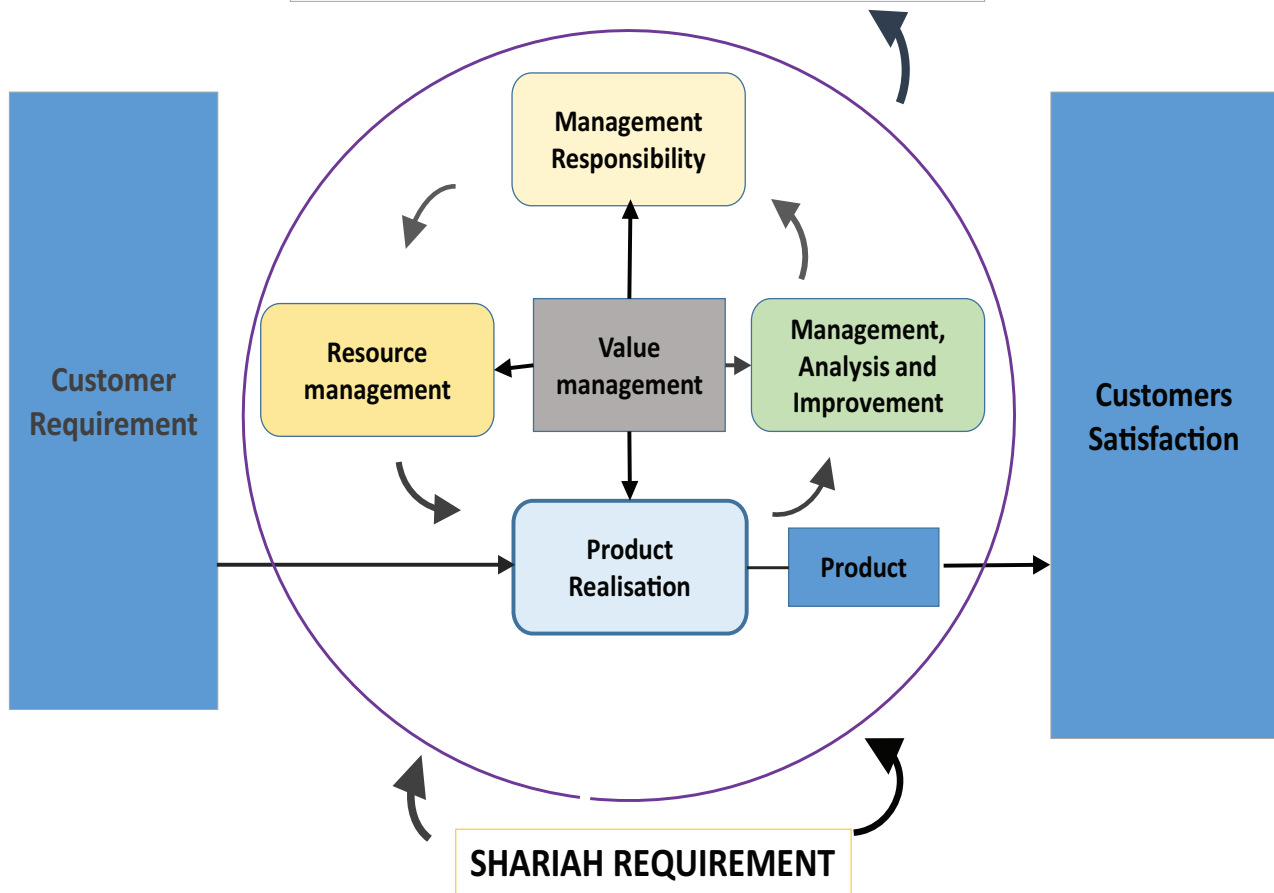
According to a famous Muslim jurist, Ibn al-Qayyim (d. 1347 AD)⁴, *Shari'ah* is also aimed at governing individual and societal affairs in life so as to uphold justice, mercy, wisdom and common good in human dealings. Anything that violates the four principles stated above is not *Shari'ah*, Thus *Shari'ah* is the

Islamic law that governs the life of Muslims in all aspects as *ibadah* (worship), *mu'amalah* (dealings with fellow human), *munakahah* (marriage) and *jinayah* (criminality). It is rules and conditions regarding the lawful and unlawful in the Muslims' life. The intent is all about giving justice in all dealings.

The awareness for the need to practice Islam in all aspects of life has brought many Muslims to realise the importance of following the *Shari'ah*. With this awareness new products or services based on *Shari'ah* has been introduced into the market. The Islamic Banking and Finance is a good example which has made inroads into the Financial and Banking Sector. Malaysia has been a pioneer in introducing *Shari'ah* compliant products over the last few decades beginning 30 years ago when such products were virtually unknown to the market place. What are the characteristics of a *Shari'ah* compliant hospital? Unlike other Islamic products, a *Shari'ah* compliant hospital is not only product-oriented like

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an Islamic bank or financial center, providing an Islamic alternative within a conventional system, but rather it is an organisation which has scope of work, procedure and staffing requirements which must comply to *Shari'ah* totality. Besides, a product should not unilaterally claim to be *Shari'ah* compliant. Rather the whole institution needs to be certified by an independent body which is authorised to carry out the accreditation process to ensure that the organisation is following procedures as per *Shari'ah* requirements

Figure 1 Model of a *Shari'ah* based Quality Management System

Besides the presence of a *Shari'ah* Advisory Council in its organisation, the hospital has to provide positions for *Shari'ah* compliant Officers who will be attending to the day to day operational issues of the hospital.

The basic characteristic components that reflect a *Shari'ah* Compliant hospital are as follows

- 1) Understanding the basic principles of *Shari'ah*
- 2) Understanding the principles of *Halal* and *Haram*
- 3) Understanding the principles of *Muamalat*
- 4) Implementing the Concept of Quality in Islam
- 5) Establishing 'Islamic Core Values' within the organisation which runs the hospital

Implementing all these components will be a true reflection of Islam as a comprehensive way of life which serves as *rahmatullil 'alamin* (mercy for the whole world). The Holy Quran states, "O mankind! There has come to you a good advice from your Lord (ie the Quran, ordering all that is good and forbidding all that is evil) and a healing for that (disease of ignorance, doubt, hypocrisy etc) in your breast- a guidance and a mercy (explaining lawful and unlawful things, etc) for the believer" (Al Quran 10:57).

In another verse in the Holy Quran, Allah says of the Prophet peace and blessings be upon him "And We have sent you not but as a mercy for the *'alamin* (Mankind, Jinn and all that exist) (Al Quran 21:117)

Islam is able to cater to all human needs based on the principles of justice, peace, freedom and equity. The Islamic *Shari'ah* is aimed at protecting and propagating the necessities of our existence on earth. These necessities have been priorities based on decreasing importance as *al-Din* (religion), *nafs* (life), *aql* (intellect), *nasl* (progeny) and *mal* (property) as outlined in aims of the *Shari'ah* (*Maqasid al-Shari'ah*)⁵.

Justice in *Shari'ah* compliant hospital can be realised by all the employees receiving equal opportunities

and training to upgrade their capabilities. The many complaints by junior doctors of being unjustly treated by their seniors⁶ or even nurses⁷ is unlikely to happen in this environment. Cases of senior consultants bullying new interns are also being reported in developed countries such as the United States⁸. There will be an environment of hope and teamwork amongst team members and also supporting staff directly or indirectly. If this can happen, then it is an environment that carries the flag of *Shari'ah* and people at large would appreciate and realise the beauty of Islam.

As mentioned earlier, Muslims will prefer that all their daily activities be aligned to Islamic principles because whatever done in line with *Shari'ah* will be considered as *'ibadah*. Hence a *Shari'ah* compliant hospital provides an avenue for those who always desire to achieve Islamic fulfilment and obligation in their personal and professional lives devoid of dichotomy and dualism.

A similar scenario had taken place in the Financial & Banking sectors and also in the halal food industry which has created unique markets and is greatly in demand. Similar occurrence should take place in the healthcare industry. At the moment there is a dearth of activities in promoting *Shari'ah* compliant hospitals. This represents a new marketing opportunity for the next Islamic Branding initiative to bring forward; the Islamic content that serves as a solution and alternative to this contemporary phenomena⁹.

Issues of deteriorating health condition can be contributed to stress especially those who are suffering life threatening illness such as cancer. Study has shown that through understanding of religion and spirituality breast cancer Muslim women survivors were able to cope through their sufferings. Adherence to religion created a lifetime awakening for them to understand that their worldly life is just a timeline to move to another timeline which is the eternal hereafter. With this mind set, they could cope with the stress since everyone will face this timeline. They continue to survive through more social activities to make up the lost time¹⁰. *Shari'ah* compliant hospital does not only cater for the physical needs of patients, it also caters and provides for the religious and spiritual needs of patients. It is important to understand that the role of spirituality and religiosity is now more acknowledge not only in Oriental culture¹¹ but also in the Western world¹².

An Nur Specialist Hospital in Bandar Baru Bangi Malaysia is the first private hospital in Malaysia to be awarded the MS 1900:2014 in April 2015.

Its journey towards *Shari'ah* compliance started in 2012 and preparation began with training of staff in understanding the requirements to comply with MS 1900:2005 and later an upgraded version MS 1900:2014. The documentation audit by SIRIM was carried out in August 2014 and later the ground audit took place from 26 to 27 November 2014 with nine (9), areas of NonCompliance (NCs) and 27 minors areas for improvement identified. The necessary corrections and amendments were carried out within a month after the ground audit and by April 2015 An Nur was awarded the *Shari'ah* compliance certificate in full. An Nur's achievement has spurred similar interest from neighbouring countries including Indonesia and Brunei. It is hoped that the

model created in An Nur will serve as benchmark for similar initiatives not just in the South East Asian Region but throughout the Muslim world, *in sha Allah*. We strongly believe that anywhere and every where Muslim practitioners practise, the obligation is on them to ensure that their practice and the system in which they practise in must comply with the aims of the Islamic Shariah and be guided by its principles. Marketing potentials and the draw of health tourism aside^{13,14}, this will ensure that individuals involved (patients and healthcare providers alike) will always be in close proximity with their faith and value system in their worldly dealings especially in times of hardship and infirmity.

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