

**IMPLICATIONS OF THE APPLICATION OF DSN-MUI FATWA  
NO. 107/DSN-MUI/X/2016 CONCERNING THE GUIDELINES OF  
SHARIA HOSPITALS TO THE PURWOKERTO ISLAMIC  
HOSPITAL**



**IAIN PURWOKERTO**

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**ABSTRAK**

A sharia hospital is a hospital whose administration is oriented towards sharia rules, especially the Maqasid Syariah. The management of sharia hospital not only aims at business goals or profits but also considers the implementation of sharia principles. The DSN MUI fatwa regarding the guidelines for the operation of sharia hospitals is present to answer the development of sharia trends that exist in social life. The guidelines provide various legal provisions, as well as references regarding hospital operation based on sharia principles. Purwokerto Islamic Hospital in Banyumas Regency has always paid attention to the principles of sharia in its hospital operation.

The method selected in this research is field research, in which the author went directly to the research objects (Purwokerto Islamic Hospital) to collect data. The normative approach was adopted to process and present data from the field. The primary data were obtained from Purwokerto Islamic Hospital and the MUI fatwa drafts, while the secondary data were collected from books, journals, and other related scientific works.

The results show that the management of Purwokerto Islamic Hospital had referred to sharia provisions but had not fully implemented them. The various notes and analysis can be utilized as sufficient input and recommendations to see the extent of the implementation under the sharia principles and the implication of the DSN MUI fatwa implementation towards the Purwokerto Islamic Hospital operation. Attention to the factors influencing the effectiveness of the MUI fatwa implementation is an instrument that strongly supports the implementation itself. Purwokerto Islamic Hospital must meet the minimum standard of sharia provisions and other sharia hospital administration standards. A provision like hospital contracts with various parties is the essential thing to manage sharia hospitals. The contract between hospitals and other parties, including guardians, consumers or patients, suppliers of drugs or pharmaceutical equipment, suppliers of foodstuffs, company developers, banks, local government officials, insurance, training institutions, should consider the principles of sharia and DSN MUI fatwa.

**Key Words: Implications, Application, DSN-MUI Fatwa, Purwokerto Islamic Hospital**

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# CHAPTER I

## INTRODUCTION

### A. Background of the Problem

The development of people's live nowadays tends to be more complex. This is indicated by the increasingly diverse and increasing public expectations to meet basic needs (public goods). In order to fulfill these basic needs, it is obviously necessary to provide service as a connecting hand of the government that can meet the basic needs of community. Implementation of public services is the government's obligation as the organization of the state that is responsible for providing good service to community in accordance with certain standard and the need, "present" society.<sup>1</sup>

The problems of health have become a basic need for the community. Everyone wants health because health is considered very valuable and expensive. Health is also an important part of community welfare. For this reason, one of the fundamental rights of the community is health service that must be carried out by the government as stated in Article 28h Paragraph 1 of the 1945 Constitution which reads: "Every person has the right to live in a prosperous physical and spiritual life, to live, and obtain a good and healthy living environment and has the right get health service".<sup>2</sup>

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<sup>1</sup> Fany Ifta'ul Wulan Sari, "Kualitas Pelayanan Rawat Inap Di Rumah Sakit Umum Daerah I Lagaligo Kabupaten Luwu Timur", *Skripsi* (Makasar: Universitas Hasanudin, 2016), hlm. 1.

<sup>2</sup> Fany Ifta'ul Wulan Sari, " *Kualitas Pelayanan...*, hlm. 3.

When the standard of living of the community increases, so does the community demand on health quality. This requires health service providers such as hospital to improve the quality of better service, not only limited to curative healthcare but also including preventive treatment to improve quality of living and provide satisfaction for consumers as users of health service.<sup>3</sup>

Hospital as a health instrument has a very strategic role in the effort to accelerate the improvement of public health standard. The new healthcare paradigm requires hospital to provide quality service according to the patient's need and aspiration while still referring to the professional and medical code of ethics.

In general, hospital is a place that can treat patients suffering from various diseases and already owns several expert doctors. In the rapid development of technology and increasingly fierce competition, hospital is required to improve the quality of its services. Quality is the core survival of an institution. The quality revolution movement through an integrated quality management approach becomes a demand that should not be ignored if an institution wants to live and develop. The hospital is a place to health service that covers various health problems.

Indonesia is a country with the largest Muslim population in the world, which has population more than 200 million people. There are more than 2,500 hospitals spread throughout Indonesia. Among them are about 40 hospitals that proclaim

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<sup>3</sup> Rahadi Fitra Nova, "Pengaruh Kualitas Pelayanan Terhadap Kepuasan Pasien Rawat Inap Pada Rumah Sakit Pku Muhammadiyah Surakarta", *Skripsi* (Surakarta: Universitas Sebelas Maret Surakarta, 2010), hlm. 1.

themselves as Islamic hospital as the name of the institute but only 2 hospitals has already met the standard of sharia, as defined by MUKISI (Islamic Health Institution Network of Indonesia).<sup>4</sup>

According to economic historians, hospital service in Indonesia had begun since the beginning of the VOC's existence in the third decade of the XVII century. The hospital was based on religion and organization, including Islam.<sup>5</sup> Islam as a religion has concept or principle in organizing life cooperatively and universally, both in relationship with the God and fellow humans.<sup>6</sup>

Development of the issue of the concept of Sharia based Hospital has been started since at least 2010. Along with these issues, an assessment has emerged regarding the halal status of medical goods from Islamic perspective. Then the world is beginning to realize that the medical industry has developed into an industry with a swift circulation of money as well as significant economic potential.<sup>7</sup>

With that basis, The National Sharia Council of the Indonesian Islamic Scholar Council (DSN-MUI) in a composition that is both well established and mutually relevant to social condition. At the very least the fatwa, as an initial

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<sup>4</sup> Bayu Rahadian1, etc, Implementation of Halal Product Guarantee in Dental Health Services in Islamic Hospital, *International Journal of Human and Health Sciences*, Vol. 03 No. 02 April19, hlm. 54, <http://dx.doi.org/10.31344/ijhhs.v3i2.77>

<sup>5</sup> Laksono Trisnantoro, *Memahami Penggunaan Ilmu Ekonomi Dalam Manajemen Rumah Sakit* (Yogyakarta: UGM Press, 2004), hlm. 4-5.

<sup>6</sup> Ika Yunia Fauzia, dkk, *Prinsip Dasar Ekonomi Islam Presfektif Maqasid Al-Syariah* (Jakarta: Kencana, 2014), hlm. 256.

<sup>7</sup> Muhammad Mustaqim Zarif, et al. "The use of forbidden materials in medicinal products: An Islamic perspective", *Middle-East Journal of Scientific Research*, Vol. 13, 2013.



guideline, must be able to model the segmentation of the industry being presented towards sharia optimization, not just the origin of sharia or just a means of blurring.<sup>8</sup>

The National Sharia Council of the Indonesian Islamic Scholar Council (DSN-MUI) considers that the public needs an explanation of the guideline for the organization of sharia hospital principle. Whereas based on the consideration of DSN-MUI, it is deemed necessary to stipulate a fatwa for the organization of hospital based on sharia principles to become guideline. DSN Fatwa No: 107/DSN-MUI/X/2016 about guideline for the organization of sharia hospital, one of which is to determine the terms of the contract and the terms of service. The terms of the contract for various transactions according to this fatwa must be in accordance with sharia. The relationship between the hospital and medical staff, non-medical staff and patients, uses an *ijārah* agreement (rent services). Between hospitals and suppliers of medical devices or laboratory equipment, there are several contract options: *ijara*, *ijara muntahiyah bi al-tamlik* (lease purchase), *ḥudaraba* (capital and expertise cooperation), and *ḥusharaka* (capital cooperation).<sup>9</sup>

Fatwa regarding Sharia Hospital regulates the terms of the contract, service, use, medicine, food, drink and used good, as well as placing and using hospital funds. Drugs and other products used must get halal certificate from the Indonesian Islamic Scholar Council. If the halal certificate has not been issued, the drug may be used as

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<sup>8</sup> Elimartati, "Analisis Metode Hilah dalam Proses Fatwa DSN-MUI", *Juris (Jurnal Ilmiah Syariah)* 15, No. 1. 2017, hlm. 75. <https://www.researchgate.net>.

<sup>9</sup> Nanik Puspitasari, "Implementasi Fatwa No. 107/DSN-MUI/X/2016 Tentang Pedoman Penyelenggaraan Rumah Sakit Berdasarkan Prinsip Syariah", *Skripsi* (Lampung: UIN Raden Intan Lampung 2018), hlm. 5-6.

long as it does not contain illicit substances and must possess approval from the Sharia Supervisory Board (DPS).

The Islamic Hospital is a Hospital that all of its activities are based on *Maqāsid As Syarīah*, which aims to protect religion, life, mind, offspring and property. *Maqāsid As Syarīah* is a corridor for guideline that everything we do must not collide with sharia principles. These principles serve as guideline in the management functions in hospitals, including: marketing, management of human resources, management of infrastructure and financial management of Islamic Hospital.<sup>10</sup> In DSN-MUI fatwa No: 107/DSN-MUI/X/2016 regarding general provision in paragraph three it is stated that hospital must prioritize humanitarian aspect in providing health service that is appropriate to the need of patients, regardless of race, ethnicity, and religion.<sup>11</sup>

As Hospital that bears Islam in the name of its institution, it should be appropriate if every activity carried out in Purwokerto Islamic Hospital should always be based on Islamic principles (Sharia). As opposed to the most conventional health institutions which are mainly oriented in generating profit through its health service, sharia hospital is also emphasizing the implementation of islamic teaching and its value in its service element..

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<sup>10</sup> Annisa Sholiha, "Tinjauan Fatwa DSN No.107/DSN-MUI/X/2016 Terhadap Penyelenggaraan Rumah Sakit Islam Sakinah di Mojokerto ", *Skripsi* (Surabaya: UIN Sunan Ampel, 2018), hlm. 2.

<sup>11</sup> Anonim, *Fatwa DSN-MUI No:107/DSN-MUI/X/2016 Tentang Pelayanan Rumah Sakit Syariah*, Ketentuan Umum Point Ketiga.

Purwokerto Islamic Hospital a health institution located in Banyumas Regency. Here, the reality shows that even situated in an Islamic environment, its community is not automatically aspired to run a hospital based on sharia principle. For example, in Purwokerto Islamic Hospital, in reality, people who receive service from Islamic Hospital here mostly do not understand the guideline for hospital management in accordance with sharia. On the other hand, the Purwokerto Islamic Hospital did not fully make the DSN-MUI fatwa about the guideline for the organization of this hospital to be a fully carried out as the reference, the hospital only presented maximum efforts and in accordance with professional ethics carried out through the best form of service to patient. Furthermore, the Purwokerto Islamic Hospital also said that for the provision of patient and family facilities of patients involved in the hospital, Purwokerto Islamic Hospital always prioritizes satisfaction and good service to all parties involved, this factor is also used as a benchmark in the management services in Purwokerto Islamic Hospital.<sup>12</sup>

Based on this background, in this Thesis examines the implications of the applications of the DSN-MUI Fatwa concerning Sharia Hospital Guidelines, the substance of the fatwa, and critical analysis of patient management and services at Purwokerto Islamic Hospital. So, I give the title of this thesis with “Implications of the Application of DSN-MUI Fatwa No. 107/DSN-MUI/X/2016 Concerning the Guidelines of Sharia Hospitals to the Purwokerto Islamic Hospital”.

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<sup>12</sup> Wawancara Pra Penelitian dengan Sdr. Yusuf, Bagian Humas dan Sumber Daya Insani di Rumah Sakit Islam Purwokerto pada Rabu 19 Februari 2020, pukul 14.15 WIB.

## B. Operating Definitions

### 1. DSN-MUI Fatwa No. 107/DSN-MUI/X/2016

Fatwa is the opinion of scholars or muftis in response to questions that are developing in society. Along with the development of the times, the fatwas issued by the MUI will also increasingly develop. At present there are two fatwa fields that have a wide-ranging impact on society, namely halal food products and sharia economics.<sup>13</sup> DSN-MUI fatwa is a fatwa issued by the National Sharia Council-Indonesian Islamic Scholar Council on various types of contract, provision, product, and operation of Sharia Financial Institution.<sup>14</sup>

DSN-MUI Fatwa No. 107/DSN-MUI/X/2016 is a DSN-MUI Fatwa which discusses guideline for administering Islamic Hospital. This fatwa was born on the basis of the need for the existence of a reference in the organization of hospital in accordance with Islamic law. This is also the step of DSN-MUI in maintaining and guaranteeing the implementation of Islamic Hospital in accordance with sharia principles. This hopefully will make every service available in hospital especially Islamic-based hospital can be encouraged and structured in the implementation of Islamic Hospitals in accordance with the DSN-MUI Fatwa.<sup>15</sup>

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<sup>13</sup> Salma Barlinti, *Kedudukan Fatwa Dewan Syariah Nasional dalam Sistem Hukum Nasional di Indonesia* (Jakarta: Badan Litbang dan Diklat Kementerian Agama RI, 2010), hlm. 63-64.

<sup>14</sup> Ahmad Ifhan Sholihin, *Buku Pintar Ekonomi Syari'ah* (Jakarta: Gramedia Pustaka Utama, 2010), hlm. 529.

<sup>15</sup> Anonim, *Fatwa DSN-MUI No. 107/DSN-MUI/X/2016 Tentang Pedoman Penyelenggaraan Rumah Sakit Syariah*.

## 2. Purwokerto Islamic Hospital

Hospital is a professional health care institution whose services are provided by doctors, nurses and other health professionals. Islamic Hospital Purwokerto is located at Jl. H. Masyuri Rejasari No 39 Purwokerto Banyumas, Central Java, Indonesia, 53134.

Purwokerto Islamic Hospital or commonly known as “RSI” is a hospital that has been established since the 1980s and is the only hospital with an Islamic label in its name. This makes the Islamic Hospital perspective, the only health institution that always puts the value of Islam in the service.

### C. Research Questions

Based on the background above, I formulate problems that limit of this study is how the fatwa and MUI about the Sharia Hospital Guidelines and How the Implications of the application of the DSN-MUI fatwa to the management and services of patients in Islamic Hospital Purwokerto. So to facilitate the understanding, I formulate the problems with the following question forms:

1. How is the Implementation of Sharia Principle at Purwokerto Islamic Hospital ?
2. How is the Implications of the Application DSN-MUI fatwa no. 107/DSN-MUI/X/2016 concerning the Guidelines of Sharia Hospital to the Purwokerto Islamic Hospital ?

#### **D. Purposes of Research**

With the background of the problem that the author presented at the beginning, the focus of this research is about the extent of the influence of the application of the DSN-MUI Fatwa on the quality of the health service implementation on Purwokerto Islamic Hospital. Thus the objectives to be achieved by me are as follows:

1. To find out the application of the Sharia Principle and DSN-MUI fatwa No. 107/DSN-MUI /X/2016 about Guidelines for the Sharia Hospital at Purwokerto Islamic Hospital.
2. To find out the extent of the Implications of the Application of the DSN-MUI fatwa about Guidelines of Sharia Hospital in Purwokerto Islamic Hospital.

#### **E. Benefits of Research**

I hopes this research can provide benefits to various parties. The benefits of this study that the author expects include the following:

1. For me and readers the benefits of the research that the author is doing is to deepen and broaden understanding of the DSN-MUI fatwa No. 107/DSN-MUI/X/2016 Concerning a Guidelines of Sharia Hospital.
2. This study also can be used as an evaluation material for how effective the actual application of the DSN-MUI fatwa no. 107/DSN-MUI/X/2016 at the Purwokerto Islamic Hospital.

3. Theoretically, the author hopefully can add library material that can be used for further research related to DSN-MUI fatwa No. 107/DSN-MUI/X/2016 concerning guidelines for the administration of Sharia Hospital in this study
4. In addition, this study also provides an overview of the Implications of the adoption of the DSN-MUI fatwa no. 107/DSN-MUI/X/2016 to the Management Services Purwokerto Islamic Hospital.

#### **F. Literature Review**

Literature review is intended to put forward theories that are relevant to the research problem. From this point of view, the literature review conducted is the basis for developing this paper. As far as the I know, if we look at it from previous work, there has not been any work that discusses directly about the DSN-MUI fatwa No. 107/DSN-MUI/X/2016 within Purwokerto Islamic Hospital. However, there are several works that are similar to this paper.

Thesis by Fany Ifta'ul Wulan Sari from Mataram University, entitled "Kualitas Pelayanan Rawat Inap di Rumah Sakit Umum Daerah I Lagaligo Kabupaten Luwu Timur". The equation is about the object of study which is the Hospital Institution. In this study, Fany also discussed services at the hospital where she did the research. The difference between the author and Fany's work is the focus of the study and the background of science used in his research.<sup>16</sup>

Rahadi Fitra Nova's Thesis, "Pengaruh Kualitas Pelayanan Terhadap Kepuasan Pasien Rawat Inap Pada Rumah Sakit PKU Muhammadiyah Surakarta"

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<sup>16</sup> Fany Ifta'ul Wulan Sari, "*Kualitas pelayanan pasien....*,"

also discusses hospital services, but the difference is the thesis of Rahadi's work focuses on the level of patient satisfaction and does not involve it with the DSN-MUI fatwa on guidelines for the operation of Sharia Hospitals.<sup>17</sup>

Thesis of Nanik Puspitasari entitled “Implementasi Fatwa No. 107/DSN-MUI/X/2016 Tentang Pedoman Penyelenggaraan Rumah Sakit Berdasarkan Prinsip Syariah (Studi Pada Rumah Sakit Islam At-Taqwa Gumawang Kecamatan Belitung Kabupaten Oku Timur Sumatera Selatan)”. This thesis focuses on the service and management of the At-Taqwa Hospital that is not in accordance with the provision of the fatwa DSN MUI No. 107/DSN-MUI/X/2016 concerning guidelines of Sharia Hospital. The similarity with the author’s research is in the discussion of the implementation the MUI fatwa No.107 / DSN-MUI / X / 2016.<sup>18</sup> The difference is in the research location and study space involved in the writing of the thesis, where the author also discusses the implications of the application of the DSN-MUI Fatwa in Purwokerto Islamic Hospital.

Thesis written by Annisa Sholiha, “Tinjauan Fatwa DSN No.107/DSN-MUI/X/2016 Terhadap Penyelenggaraan Rumah Sakit Islam Sakinah di Mojokerto”. This thesis focuses on the study of the DSN-MUI fatwa,<sup>19</sup> but what distinguishes this study from what the author studies is in terms of its problem limitation, where the

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<sup>17</sup> Rahadi Fitra Nova, “*Pengaruh Kualitas...*,”

<sup>18</sup> Nanik Puspitasari, “*Implementasi Fatwa...*,”

<sup>19</sup> Annisa Sholiha, “Tinjauan Fatwa DSN No.107/DSN-MUI/X/2016 Terhadap Penyelenggaraan Rumah Sakit Islam Sakinah Di Mojokerto”, *Skripsi* (Surabaya: UIN Sunan Ampel, 2018), hlm. 2.



research that the author is doing also concerns the Implications of the DSN-MUI Fatwa Management and Patient Services. Besides that, in the thesis object Anisa Sholiha is also located in the Mojokerto Islamic Hospital.

Journal by Muadi Faizin, “Analisis Fatwa DSN-MUI Tentang Pedoman Penyelenggaraan Rumah Sakit Syariah”, *Jurnal Nizham*, Vol. 06, No. 02 Juli-Desember (Lampung : IAIN Metro). This journal explains the DSN-MUI fatwa on guideline for the administration of sharia hospital.<sup>20</sup> The same is the same study on the DSN-MUI fatwa, the difference is that this study still only addresses the fatwa in general.

Journal of Islamic Economics by Sumadi Vol. 03 No. 02, 2017 with the title “Peran Manajemen Syariah Terhadap Peningkatan Kepuasan Pelanggan Pada Rumah Sakit Islam Di Kota Surakarta”, *Jurnal Ilmiah Ekonomi Islam*, Vol. 03 No. 02, 2017.<sup>21</sup> There are similarities in discussion regarding Hospitals, but the difference is in the emphasis of the Sharia Management.

The journal written by Mia Putriyana et al with the title “Analisis Standar Sertifikasi Rumah Sakit Syariah Menurut Mukisi Tentang Kehalalan Dan Higienitas Makanan Terhadap Pelayanan Di Rumah Sakit Al Islam Kota Bandung”, Bandung

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<sup>20</sup> Muadi Faizin, “Analisis Fatwa DSN-MUI Tentang Pedoman Penyelenggaraan Rumah Sakit Syariah”, *Jurnal Nizham*, Vol. 06, No. 02, Juli-Desember 2018 (Lampung: IAIN Metro) <https://www.researchgate.net>.

<sup>21</sup> Sumadi, “Peran Manajemen Syariah terhadap Peningkatan Kepuasan Pelanggan pada Rumah Sakit Islam di Kota Surakarta”, *Jurnal Ilmiah Ekonomi Islam*, Vol. 03 No. 02, 2017, <Http://Jurnal.stie aas.ac.id>.

Islamic University.<sup>22</sup> The same is in the discussion of Sharia Hospital Services, but the difference of this thesis also focuses on discussing halalities and food hygiene.

## G. Theoretical Framework

### 1. Effectiveness of Law

In this study, the theory used by the author is the effectiveness of law. According to Achmad Ali, in this effectiveness of law theory, the extent to which law will be effective can be assessed from the extent to which a rule of law is adhered to, further factors that can influence a rule of law also are professionalism and optimization of the role and function of law enforcement authorities both in explaining the tasks assigned against them as well as in upholding the rule of law.<sup>23</sup>

The theory of effectiveness of the law According to Soejono Soekanto is whether or not an effective rule of law is influenced by factors, is:

- a. The legal of the law factor it self
- b. The law enforcement factor is that forms or applies the rule of law
- c. Factors supporting facilities or facilities in law enforcement efforts
- d. Community factors around the applicable law or applied

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<sup>22</sup> Mia Putriyana dkk, "Analisis Standar Sertifikasi Rumah Sakit Syariah menurut Mukisi Tentang Kehalalan dan Higienitas Makanan terhadap Pelayanan di Rumah Sakit Al Islam Kota Bandung", *Prosiding Hukum Ekonomi Syariah*, Universitas Islam Bandung. Volume 4, No. 2, 2018. <http://karyailmiah.unisba.ac.id>.

<sup>23</sup> Achmad Ali, *Menguak Teori Hukum dan Teori Peradilan* (Jakarta: kencana, 2010), hlm. 375.

- e. Cultural factors, namely the results of creative works and tastes created from human initiative in the association of life.<sup>24</sup>

## 2. Sharia Hospital

The Hospital is a professional health care institution whose services are provided by doctors, nurses and other experts. In the Hospital there are many activities and activities that take place in a related manner.<sup>25</sup>

The Hospital as an organ that was originally established based on social, humanitarian or religious goal has in its history experienced growth, so that the hospital functions to bring together 2 (two) principal tasks that differentiate it from other organs that produce services. The Hospital is an organ that brings together tasks that are based on the argument of medical ethics because it is a place of work for professionals who recite medical oaths bound by Hippocratic postulate in carrying out their duties. Besides that, in terms of law as the basis for the organization of the Hospital as an organ that engages in legal relations in society bound by legal norms and ethical norms of society, the two norms are different, both in their formation and in the implementation of the consequences if violated.<sup>26</sup>

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<sup>24</sup> Seorjono Soekamto, *Faktor - Faktor Yang Mempengaruhi Pengakan Hukum* (Jakarta: PT Raja Grafindo Persada, 2008), hlm.8.

<sup>25</sup> Arif Haliman & Ari Wulandari, *Cerdas Memilih Rumah Sakit Sebuah Komunikasi Medical Yang Jujur dan Harmonis* (Yogyakarta: Rapha Publishing, 2012), hlm. 12.

<sup>26</sup> Hermein Hadiati Koeswadji, *Hukum Untuk Perumahsakit* (Bandung: Citra Aditya Bakti, 2002), hlm. 188-189.

According to Indonesian dictionary, what is meant by a hospital is a home where people take care for the sick and provide health services covering a variety of health problems.<sup>27</sup>

Whereas Sharia Hospital is a Hospital which in management is based on the principle of *Maqāsid As Syari'ah*. *Maqāsid As Syari'ah* is a corridor for guideline that everything we do must not collide with sharia principles. These principles serve as a guideline in the functional management in hospital, including: marketing, management of human resources, management of infrastructure and financial management of Islamic hospital.<sup>28</sup>

Islamic Hospital or Sharia is actually located between two complementary points: the ideal point of missionary mission on one side, and on the other side of the commercial point that can provide guarantees for the survival of the Hospital. Islamic Hospitals must not disband just because of loss. In addition, the presence of an Islamic Hospital also carries a historical mission.

### 3. Contracts in Sharia Hospital

According to the language of *Aqad* has several meanings, including: First, binding (*ar-rabt*), or collecting in two ends of a rope and binding one of them with

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<sup>27</sup> Anonim, *Kamus Besar Bahasa Indonesia edisi kedua* (Jakarta: Balai Pustaka, 1995), hlm. 851.

<sup>28</sup> Annisa Sholiha, "Tinjauan Fatwa DSN....",

another way so that it is connected, then both become part of a piece of object. Then, the connection (*aqdatun*) or connection that holds both ends and ties them.<sup>29</sup>

1. *Ijārah*. *Ijārah* literally means "reward" or "compensation".<sup>30</sup> Therefore *lafaz* *ijārah* has a general meaning which includes wages for the use of an object or reward for an activity, or wages for doing something. According to language (etymology), wages mean rewards or substitutes whereas according to the term (terminology), wages are taking the benefits of other people's labor by giving compensation or compensation according to certain condition. Thus what is meant by wages is to give a reward as payment to someone who has been ordered to do a certain work and the payment is given according to an agreed agreement.
2. *Murābahah*. *Murābahah* in language comes from the word *riḥ* which means to grow and develop in commerce. In sharia terms, the concept of *murābahah* there are various formulations of different definitions in the opinion of the Council.<sup>31</sup> According to the Ustmani, *murābahah* is a form of buying and selling which requires the seller to provide information to the buyer about the costs incurred to obtain the commodity (the cost of purchase) and the desired additional profit which is reflected in the selling price. According to Al-Kasani

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<sup>29</sup> Ismail Nawawi, *Fikih Muamalah Klasik dan Kontemporer* (Bogor: Ghalia Indonesia, 2012), hlm. 19.

<sup>30</sup> Imam Mustofa, *Fikih Muamalah Kontemporer* (Jakarta: PT Raja Grafindo Persada, 2016), hlm. 101.

<sup>31</sup> Ismail Nawawi, *Fikih Muamalah Klasik...*, hlm. 91.

*muraḃahah* reflects the sale and purchase transaction: the selling price is the accumulation of costs that have been incurred to bring the object of the transaction or the cost of purchase with additional benefits specified by the seller (margin); the purchase price and the amount of profit desired by the buyer.<sup>32</sup>

3. *Ijārah Muntahiyah bi al-Tamlik*. In language, *al-Ijārah al-Muntahiyah bi al-Tamlik* means to break up two in it. The first is the word *al-Ijārah* which means wages, which is a form of wages given to work.<sup>33</sup> And the second word is *al-Tamlik*, language has a meaning that can make someone else to have something. Meanwhile, according to the term, *al-Tamlik* can be in the form of ownership of objects, ownership of benefits, can be in return or not. So *al-Ijārah Muntahiyah bi al-Tamlik* is an agreement to utilize (rent) goods between the owner and the consumer and at the end of the rental period, the consumer will have the goods to be rented.
4. *Musyārahah Mutanaqisah*. *Musyārahah Mutanaqisah* comes from a *Musyārahah* agreement or a joint venture between two parties, from the Arabic word *syirkah* which means cooperation or partnership, and *mutanaqisah* it self comes from the Arabic word *yutanaqish* which means to reduce gradually.<sup>34</sup> In language (*lugatān*), cooperation (*al-syirkāh*) is a mixture of one thing with another so it is difficult to distinguish. As for the

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<sup>32</sup> Ismail Nawawi, *Fikih Muamalah Klasik...*,

<sup>33</sup> Imam Mustofa, *Fikih Muamalah...*, hlm. 122.

<sup>34</sup> Ismail Nawawi, *Fikih Muamalah Klasik...*, hlm. 151.

terms of cooperation (*syirkah*) is the participation of two or more people in a particular business with a number of models determined based on the agreement to jointly run a business and the distribution of profits or losses in the specified part.

5. *Mudārabah*. *Mudārabah* is derived from the word “*ḍarab*” which signifies work carried out by two or more parties. *Mudārabah* is one of the contracts carried out by two parties, the capital owner ( *ṣāhibul maāl* ) and the businessman who runs the capital (*mudārib*). In *Mudārabah* terminology, it means the amount of money one person gives to another person for venture capital, if it gets a profit then it is divided in half, namely for capital owners and business actors or who run capital in percentage or amount according to the agreement.
6. *Wakalah bil Ujrah*. *Wakalah* contract *bil ujrah* is one type of contract (agreement) that is used in sharia insurance. *Wakalah* means protection (*al-hifzh*), adequacy (*al-kifayah*), dependents (*al-damāh*) or delegation (*al-tafwidh*), which also means giving power or affairs to him. *Wakalah* contract *bil ujrah* for insurance is a form of contract where participants give power of attorney to insurance companies in the management of their funds by giving *ujrah* (fees). The principle adopted in sharia insurance is the risk sharing principle. Risk is not transferred from the customer/participant to the insurance company (risk transfer), but is shared or beaten together among the customers/participants.<sup>35</sup>

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<sup>35</sup> Nanik Puspitasari, *Implementasi Fatwa...*

## H. Sequence of Discussion

To provide an overview of the preparation of this thesis, i will share the process of preparing this thesis with systematic discussion. The systematic discussion of this will describe the process of preparing this proposal from Chapter I to Chapter V.

Chapter I is Background of the Problem. In this chapter I discussed about the background, operational definitions, research questions, research objectives, research benefits, literature review, theoretical framework, and systematic discussion.

Chapter II is the theoretical foundation. In chapter II, what is discussed is the basic theory used in the preparation of this thesis. The theoretical basis to be discussed is Effectiveness of law, the definition of Sharia Hospitals, Sharia Hospital Legal Basis and Sharia Hospital Operational Guidelines in accordance with DSN-MUI Fatwa No. 107/X/DSN-MUI/2016. This chapter will also discuss the types of contract in Implementation of Sharia Hospital.

Chapter III contains research methods, including: Types of research, determining the location of research, determining data sources, research approaches, subjects and research objects, and data collection methods.

Chapter IV is a field research report. In chapter III what will be discussed is the background of the Purwokerto Islamic Hospital, starting with a discussion of the history of the Purwokerto Islamic Hospital, the management structure of Purwokerto Islamic Hospital, the vision and mission of Purwokerto Islamic Hospital, Purwokerto Islamic Hospital services. In this chapter, it will also discuss the implications of



In forming the DPS, the hospital can seek recommendation from a panel of scholars in the provincial and national level to earn a DSN-MUI certification. The DPS is then responsible in supervising the management of finances and contracts of the hospital as well as other aspects such as services, medicines and drugs, foods and beverages, and others.



## CHAPTER V

### CLOSING

#### A. Conclusion

The conclusions from this research regarding the Implications of implementing the DSN-MUI fatwa on Islamic hospitals at the Purwokerto Islamic Hospital are as follows:

1. The administration of the Purwokerto Islamic Hospital is a series of mechanisms that are not only oriented towards meeting the needs of the community for health services, but also an effort made to provide wider benefits to the community in the form of preventive services, spiritual guidance services for patients or other things that are always stick to the principles of sharia. The administration that has been carried out has not fully implemented the provisions contained in the DSN-MUI fatwa concerning sharia hospital guidelines. Even so, all the management mechanisms that have been implemented have been carried out as much as possible by the Purwokerto Islamic Hospital to provide the best possible service. Various factors of the effectiveness of the implementation of a sharia hospital in the Purwokerto Islamic hospital have not been able to fully support the implementation of a sharia hospital in accordance with the provisions of the DSN-MUI fatwa regarding the guidelines for sharia hospitals.

2. The Purwokerto Islamic Hospital has implemented a cooperation mechanism by working with several sharia financial institutions to carry out hospital administration based on sharia principles and not contradicting other positive laws even though it has not yet been optimally enforced in accordance with what is in the provisions of the DSN fatwa. Improvements in various aspects must be carried out on a broader scale in the operation of the sharia hospital in the Purwokerto Islamic Hospital, and evaluation efforts must continue to be comprehensive. Efforts to supervise the existing administration must also be carried out by parties such as the Sharia Supervisory Board of the Purwokerto Islamic Hospital. There is also a point of emphasis in the procurement of medicines and food that are certified as halal by MUI. This will guarantee every product used in Purwokerto Islamic Hospital. The use of other goods that contain elements that are haram is permitted with certain urgent or emergency exceptions. Every party with an interest in running a hospital at the Purwokerto Islamic Hospital must be able to provide various fulfillments of their rights and obligations to one another by adhering to the existing sharia principles.

### **B. Suggestions**

In this study, the researcher wishes to provide several suggestions in order to improve the mechanism of sharia hospital administration in Purwokerto Islamic Hospital, which are as follows:

1. Hospitals, especially sharia hospital foundations, must be able to meet the sharia hospital guidelines stipulated in the DSN-MUI fatwa which is considered as a benchmark and complied with all legal provisions in the administration of sharia hospitals.
2. The DSN-MUI fatwa concerning sharia hospitals has to be urgently implemented by the hospital and various parties involved in the administration of sharia-based hospitals.
3. The contract between the Purwokerto Islamic hospitals and the stakeholders interested in organizing a Sharia hospital must be enforced in order to realize the administration of Islamic hospitals in Purwokerto Islamic hospitals.
4. The provision of various supporting instruments or factors by the Purwokerto Islamic Hospital needs to be addressed and further improved in order to develop a high-level of compliance of sharia principles in the Purwokerto Islamic Hospital.
5. Provision of a sharia supervisory board in every hospital, especially sharia hospitals is required to supervise the administration of sharia hospitals.
6. The DSN-MUI needs to socialize the community, especially the hospital management

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