

## CHAPTER ONE

### INTRODUCTION

#### A. Background

The development of Islamic economics in Indonesia had been initiated in the 1980s through a discussion of Islamic financial institutions but it was in 1992.<sup>1</sup> when the ideas came true by the existence of 45 branches throughout Indonesia. It is strong evidence that Islamic financial institutions are very welcomed by the Indonesian people, especially those Muslim community.<sup>2</sup> The birth of financial institutions based on sharia principles is a springboard for other financial institutions such as insurance and finance companies. Many financial products and services appeared to meet the economic needs of halal transactions. Sharia-based hospitals are without exception. The concept of sharia rules and principles are demanded to meet the physical and spiritual needs of all components or elements in the hospital. It is believed that the health is the best gift from Allah SWT to humans.

In Sharia hospital business, the Majelis Upaya Kesehatan Islam Seluruh Indonesia (MUKISI) was regarded as the initiator of the establishment of a Sharia-certified Hospital. The board was established on July 12, 1994 in Ciloto, West Java. MUKISI is endorsed by the board of U'lama (MUI DSN) as seen from the DSN-MUI decision (Fatwa) No. 107 / DSN-MUI // 2016 concerning

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<sup>1</sup>H. Muammar Arafat Yusmad, 2018, "*Aspek Hukum Perbankan Syariah dari Teori ke Praktik*", Yogyakarta, Indonesia: Deepublish, p. 10.

<sup>2</sup>Fauziah, 2017, "Implementasi Akuntansi Syariah Untuk Rumah Sakit", *Istithmar Vol. 1, No. 2*, IAIN Kediri, Indonesia, p. 109.

Guidelines for Organizing Hospitals Based on sharia principles including Sharia hospital code of ethics, Doctor's Code of Ethics at Sharia Hospital, Minimum Service Standards at Sharia Hospital, and other guidance guidelines in order to prepare hospitals for sharia hospitals.

Sharia-certified hospitals certainly apply the contracts that are in accordance with sharia principles. It means the day-to-day hospital activities should be in accordance with MUI DSN fatwa No.107 / DSN-MUI / X / 2016 concerning the implementation of hospitals activities based on sharia principles, as well as contracts used in financial transactions within hospitals. The development of many Syari'ah hospitals has attracted public attention. Shari'ah hospital which is a concept of a blend of conventional hospital and Islamic teachings. This hospital in practice adjusts its contract into the principles of Islamic law which is set by the regulator. The adjustment has fulfilled the requirements and qualifications that have been prepared by the National Sharia Board-Council of Ulama Indonesia. Along with the economic development of Shariah in Indonesia, many institutions apply the principles of Shari'ah in their operation.<sup>3</sup>

Law No. 3 of 2006 on the Amendment of Act No. 7 of 1989 About the Religious Courts, article 49 point I, says that "*Sharia Economics is a business activity carried out according to sharia principles, such as:*

*a. Islamic Bank*

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<sup>3</sup>Fauziah, 2017, "Implementasi Akuntansi Syariah Untuk Rumah Sakit", *Istithmar Vol. 1, No. 2*, IAIN Kediri, Indonesia, p. 117.

- b. Sharia microfinance institution*
- c. Sharia insurance*
- d. Sharia reinsurance*
- e. Sharia mutual funds*
- f. Sharia bonds and sharia medium-term securities*
- g. Sharia securities*
- h. Sharia financing*
- i. Sharia pawnshops*
- j. Pension funds for sharia financial institutions*
- k. Sharia business.<sup>4</sup>*

Sharia hospitals, in this case, is included in the Sharia business. This concept is relatively new, but very demanded as Indonesia is the Muslim majority country. In 2016, the Indonesian Sharia Council of the Indonesian Ulema Council DSN-MUI issued Fatwa No. 107/DSN-MUI/X/106 concerning Guidelines for Implementing Sharia-Based Hospitals. Among the regulated are: contracts, services, medicines, and management. However, the fatwa will not be effective if it is not positively translated into the regulation of the minister of health. Therefore, a legal formulation is needed to guarantee legal certainty, justice, equality, professionalism and security for the parties involved in this business.<sup>5</sup>

The development of sharia hospitals is also a promising business. The existence of sharia hospitals does not mean limiting certain patients but it is also

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<sup>4</sup>The Law No. 3 of 2006 concerning the Amendments of Law Number 7 of 1989 concerning Religious Courts.

<sup>5</sup>Fauziah, 2017, "Implementasi Akuntansi Syariah Untuk Rumah Sakit", *Istithmar Vol. 1, No. 2*, IAIN Kediri, Indonesia, p. 117.

suitable for non-Muslim patients. Some people view the hospital business is a business for all without discriminating its patients.<sup>6</sup> Thus, the increased demand from the patients and Muslim community should be answered by providing more hospital services that are in accordance with Islamic principles. By adding the word “sharia” behind it, its business activities are conducted in accordance with the principles of Islamic law in terms of the products sold, aspects of the hospital's services, and its management with the provisions based on the rules prescribed in the holy Quran and hadith.<sup>7</sup>

Umer Chapra explains that Islamic economic development is built on ethical and moral values and refers to the goals of sharia (*maqashid al-syari'ah*), namely maintaining faith, life, reason. (intellect), descent (posterity), and wealth (wealth). This concept explains that the economic system should be built from a belief (faith) and ending with wealth (property). In turn, there will be no economic inequality or economic behavior that contradicts the principles of sharia. The development of the Islamic economy in Indonesia is very remarkable. This is marked by the establishment of many Islamic institutions from various fields which conceptually and operationally use sharia principles. The principle and knowledge about sharia business, however, are generally popular among academic scholars and practitioners of sharia business institutions, while the majority of the Muslim do not know and understand it clearly but all people do aware that Islamic economy can

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<sup>6</sup>Mala Hayati, Wahyu Sulistiyadi, 2018, “Rumah Sakit Syariah Strategi Pemasaran VS Syiar” *Jurnal ARSI (Administrasi Rumah Sakit Indonesia)*, Vol. 5, No. 1, Fakultas Kesehatan Masyarakat, Universitas Indonesia, Indonesia, p. 32.

<sup>7</sup>Aris Baidowi, 2016, “Etika Bisnis Perspektif Islam”, *Jurnal Hukum Islam*, Vol. 9, No. 2, IAIN Pekalongan, Indonesia, p. 243.

provide more positive bargaining power, not only from the legal aspect (*syari'at*), but also as an alternative economic system that can support the process of economic development in Indonesia.<sup>8</sup>

The main basis of the sharia business system actually lies in the aspect of its basic framework which is based on sharia, but also in the aspect of its objective, namely to create a prosperous economic order based on justice, equity and balance. On that basis, the empowerment of sharia in Indonesia should be carried out with a strategy aimed at improving people's lives.<sup>9</sup> The demands of society today, especially at the lower levels of society, are how to fulfill their most basic needs. The Islamic economic system has a very firm footing when compared to the liberal and socialist economic systems that currently dominate the world economic system. The liberal economic system prefers a form of unlimited freedom for individuals to gain benefits (distributive justice), and socialism emphasizes aspects of economic equality (equitable justice), opposes social class differences and adheres to the principle of collectivity.<sup>10</sup>

The Islamic economic system prioritizes legal and ethical aspects, namely the necessity to apply Islamic legal principles and business ethics, including the principles of worship (*al-tauhid*), equality (*al-musawat*), freedom (*al-hurriyat*), justice (*al- 'adl*), mutual assistance (*al-ta'awun*), and tolerance (*al-tasamuh*). These

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<sup>8</sup>Aris Baidowi, 2016, "Etika Bisnis Perspektif Islam", *Jurnal Hukum Islam*, Vol. 9, No. 2, IAIN Pekalongan, Indonesia, p. 242.

<sup>9</sup>Anggraini, Setyo Fajar, 2020, "Kinerja Keuangan Rumah Sakit Syariah: Pendekatan Maqashid Syariah Concordance" *Jurnal Ekonomi, Manajemen dan Akuntansi Islam*, Vol. 5, No. 2, Imanensi, Indonesia, p. 107-109.

<sup>10</sup>Aris Baidowi, 2016, "Etika Bisnis Perspektif Islam", *Jurnal Hukum Islam*, Vol. 9, No. 2, IAIN Pekalongan, Indonesia, p. 245-247.

principles are the basic foundation in the sharia economic system, while business ethics regulates the legal aspects of ownership, management and distribution of assets, namely rejecting monopoly, exploitation and discrimination and demanding a balance between rights and obligations. Islam has regulated human life with proper provisions. The existence of these rules is solely to show the way for humans to gain glory. Glory can be obtained by doing activities that are pleasing to Allah SWT. The human attitude that appreciates glory will always try to "present" God in every breath he takes.<sup>11</sup>

The presence of Nur Hidayah Hospital Yogyakarta in the midst of the community is to fulfill the needs mentioned above by combining the concepts of beauty, cleanliness and Islamic nuances. Nur Hidayah Hospital Yogyakarta is located on Jl. Imogiri Timur, Bembem, Trimulyo, Jetis, Bantul, Yogyakarta 55781. Judging from its name, it is clearly seen that this hospital is operated under the principles and rules of the Islamic religion. Therefore, the researcher is very interested in studying its sharia application and supervision. For this reason, the researcher decided the title **"THE IMPLEMENTATION OF SHARIA PRINCIPLES AT NUR HIDAYAH HOSPITAL YOGYAKARTA"**.

## **B. Statement of Problem**

1. How is the procedure to get a sharia hospital certification?
2. How is the implementation of sharia principles at Nur Hidayah Hospital?

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<sup>11</sup>Aris Baidowi, 2016, "Etika Bisnis Perspektif Islam", *Jurnal Hukum Islam*, Vol. 9, No. 2, IAIN Pekalongan, Indonesia, p. 242.

### **C. Objective of Research**

1. To know how the Nur Hidayah Hospital procedure to get a sharia hospital certification.
2. To understand the implementation of sharia principles at Nur Hidayah

### **D. Benefit of Research**

1. Theoretical Aspect

Research will provide a theoretical understanding of the implementation of sharia principles

2. Practical Aspect

The practical significance for the community is to provide detailed knowledge of procedure to get shariah hospital certification.