

JURIDICAL ANALYSIS OF SHARIA-BASED ORAL HEALTH SERVICES IN HOSPITALS

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Abstract:

This article aims to provide an analysis of the intersection of Islamic Sharia principles, legal frameworks, and professional standards in the context of oral health care provided in hospitals. This research will offer a comprehensive review of how these elements interact to shape the ethical and legal landscape of dental and oral health services. The study employs a normative juridical research approach with a legislative perspective, utilizing library research data that is analyzed qualitatively in a descriptive manner. The analysis reveals that, from an Islamic perspective, health is considered a divine gift that each individual must be accountable for, and it is crucial for patient satisfaction in achieving optimal health outcomes. The role of stakeholders is vital to ensure the delivery of high-quality services, necessitating the implementation of robust health service standards that prioritize responsibility, safety, equity, and inclusivity. Furthermore, stakeholders need to further examine the significance of oral health in Islamic views, emphasizing its role in the digestive system and religious practices. This research delves into the development of Sharia-based health sectors, including hospitals, medical device manufacturers, and pharmaceutical companies, with a focus on patient-centered care and the integration of Islamic values. The roles of oral health professionals, such as dentists and dental therapists, are highlighted, with an emphasis on the importance of ethical and patient-centered practices. Overall, this study aims to contribute to a comprehensive understanding of how Sharia principles can enhance oral health services and optimize individual well-being.

Keywords: Oral Health; Islamic Values; Health Services

Abstrak:

Artikel ini akan mencoba memberikan analisis tentang keterkaitan prinsip-prinsip syariah islam, kerangka hukum, dan standar profesional dalam konteks perawatan kesehatan gigi dan mulut yang diberikan di rumah sakit. Penelitian ini juga akan mencoba memberikan telaah yang komperhensif tentang bagaimana elemen-elemen tersebut saling bersinggungan dalam membentuk lanskap etika dan hukum. Penelitian ini merupakan penelitian yuridis normative dengan pendekatan perundang-undangan, data yang diperoleh berbasis pada data studi kepustakaan yang dianalisis secara deskriptif kualitatif. Hasil analisis menunjukkan bahwa dalam perspektif Islam, kesehatan adalah anugerah Ilahi yang harus dipertanggungjawabkan oleh setiap individu, dan merupakan sesuatu yang penting bagi kepuasan pasien dalam mencapai hasil kesehatan yang optimal. Peran stakeholder/ pihak terkait sangat penting untuk memastikan pelayanan berkualitas prima, sehingga penerapan standar pelayanan kesehatan yang kuat yang memprioritaskan tanggung jawab, keamanan, kesetaraan dan inklusivitas perlu

dilaksanakan. Selain itu pihak terkait juga perlu menelaah lebih lanjut tentang pentingnya kesehatan gigi dan mulut dalam pandangan Islam, dengan menekankan peranannya dalam sistem pencernaan dan praktik keagamaan. Mempelajari lebih dalam mengenai perkembangan sektor kesehatan berbasis syariah, termasuk rumah sakit, produsen alat kesehatan, dan perusahaan farmasi, dengan fokus pada perawatan yang berpusat pada pasien dan integrasi nilai-nilai Islam. Peran profesional kesehatan mulut, seperti dokter gigi dan terapis gigi, menjadi sorotan, dengan penekanan pada pentingnya praktik yang etis dan berpusat pada pasien. Secara keseluruhan, kajian yang dilakukan ini diharapkan dapat memberikan kontribusi terhadap pemahaman yang komprehensif tentang bagaimana prinsip-prinsip syariah dapat meningkatkan pelayanan kesehatan gigi dan mulut dan meningkatkan kesejahteraan individu secara optimal.

Kata Kunci: Kesehatan Gigi; Nilai-Nilai Islam, Pelayanan Kesehatan

A. Introduction

The healthcare efforts carried out by healthcare professionals are aimed at maintaining and improving optimal health. Initially focused on curative efforts for patients, the healthcare services provided by the government and/or society have gradually developed toward an integrated approach, combining promotive, preventive, curative, and rehabilitative efforts, conducted in a holistic, comprehensive, and sustainable manner.(Ulumiyah, 2018)

From an Islamic perspective, health is a blessing and a gift from the Almighty Allah, which is invaluable and incomparable to any material wealth. Health may not be everything, but everything only has meaning with good health. Investment in health is often perceived as expensive, but this perception is misleading. Many people neglect their health until it deteriorates, only then realizing its true value.(Nurhayati & Fitriyana, 2020)

Healthcare provision must be based on minimum healthcare standards to achieve the highest possible level of health for individuals or communities. These minimum healthcare standards must be implemented responsibly, safely, with quality, fairly, and without discrimination. As stipulated in Article 70 of Law No. 17 of 2023 concerning Health, oral healthcare services are mandated to maintain and improve public health through oral health promotion, prevention of dental diseases, treatment of dental diseases, and restoration of oral health.(S Putra, 2022)

The Fatwa of the National Sharia Council of the Indonesian Ulema Council No. 107/DSN-MUI/X/2016 on Guidelines for the Organization of Sharia-Based Hospitals regulates the guidelines for hospital management based on sharia principles. A hospital is defined as an institution that provides comprehensive healthcare services, including inpatient, outpatient, and emergency services. Healthcare professionals are individuals committed to the field of health, possessing knowledge and skills obtained through education in healthcare, and authorized to undertake specific healthcare efforts. Medical equipment suppliers include providers of instruments, apparatuses, machines, and/or non-pharmaceutical implants used for various medical purposes, such as diagnosing, curing, or treating conditions. Medicine is defined as a substance or mixture of substances used to affect physiological systems or pathological conditions for diagnosis, prevention, treatment, or recovery of health. Pharmaceutical suppliers are entities that provide or supply medicines.(Ramadhan & Sari, 2022)

Hospital services encompass efforts to prevent, diagnose, cure, and treat diseases, as well as to restore health. A patient is an individual who seeks consultation to receive

the necessary healthcare services at the hospital. The person responsible for the patient refers to the patient's family or another party financially accountable for the patient's treatment. Negligence is defined as the failure to perform an action that should have been taken or performing an action that should not have been done. (Siyen et al., 2020)

The contracts in this fatwa include the *ijarah* contract, which refers to the transfer of the right to use goods or services for a specific period with payment or compensation. The *ijarah muntahiyah bit tamlik* contract is a lease agreement with a promise of transferring ownership of the leased goods after the lease period ends. A *bai'* contract is an exchange of wealth for wealth, transferring ownership. A *mudharabah* contract involves a business partnership between two parties, where one provides capital and the other manages the business, and profits are shared based on the agreement. The *musyarakah mutanaqishah* contract refers to a partnership where ownership of an asset decreases gradually as it is transferred. The *wakalah bi al-ujrah* contract is a delegation of authority with compensation. The management of hospitals based on sharia principles must follow the provisions stipulated in this fatwa. The contract between the hospital and healthcare professionals is an *ijarah* contract for healthcare services, where the hospital is the service user and the healthcare professional is the service provider. The contract between the hospital and the patient is also an *ijarah* contract, where the hospital provides services, and the patient is the service user. Contracts between hospitals and suppliers of medical equipment and laboratories may include *ijarah*, *ijarah muntahiyah bi al-tamlik*, *bai'*, *mudharabah*, or *musyarakah mutanaqishah* contracts. The contracts between hospitals and pharmaceutical suppliers may take the form of *bai'* or *wakalah bi al-ujrah* contracts. Based on these principles, the fatwa provides clear guidelines for hospitals wishing to implement sharia principles. The fatwa sets out service standards, ethical codes, and certification criteria for Islamic hospitals. (Lestari et al., 2020)

The concept of sharia-based healthcare in dental and oral health emphasizes the importance of harmonizing medical aspects with Islamic values. By considering hygiene, health, and Islamic prohibitions, this approach offers a sense of comfort and security for patients, particularly in countries with Muslim-majority populations. Healthcare professionals provide services based on medical professional standards, service standards, and their authorized scope of practice. If a healthcare professional fails to perform according to their authority, they violate professional standards. Legally, they may also face legal consequences, as each healthcare professional's authority is defined within professional standards. (Hidayati, 2023)

This research employs originality as a key element to demonstrate that the study is truly original. The topic of sharia-based healthcare services has previously been explored by several authors, including:

1. A study by Rochana Ruliyandari titled *Perception of the Community on the Need for Sharia Hospital Services in Yogyakarta City*. The conclusion showed that the public generally agreed that hospitals had implemented Islamic sharia principles well, particularly in terms of gender-specific services, social interactions, and creating a comfortable environment. However, further adjustments and updates are needed in sharia-based healthcare services to continuously improve patient satisfaction (Rochana Ruliyandari, 2020). This study differs from the current research as it focuses specifically on Islamic principles in dental healthcare services.

2. A study conducted by Naniek Widyaningrum titled Patient Satisfaction with Sharia-Based Obstetric Services at Siroto Pharmacy in Semarang. This research evaluated the quality of sharia-based services within the context of obstetric services at Siroto Pharmacy. It aimed to measure patient satisfaction with the services provided and assess the influence of applying sharia principles on that satisfaction (Widyaningrum et al., 2023). The current research differs from this as it does not analyze satisfaction related to the implementation of Islamic principles in healthcare services.
3. A study by Jeniosa Rayya Adhi Astana titled *Islamic Perspective on the Characteristics of Dental Medicine*. This research concluded that Islam governs not only the relationship between humans and God (*habluminallah*) but also relationships between humans (*habluminannas*). Islamic teachings influence various aspects of healthcare, including conceptual, philosophical, substantive, and practical elements. In this context, Muslim dentists are expected to adhere to the morality and ethics set by the Qur'an and the Sunnah of the Prophet in their healthcare practice (Astana et al., 2023). This study differs from the current research, which will examine the intersection of Islamic sharia principles, legal frameworks, and professional standards in the context of dental and oral healthcare provided in hospitals.

Based on these differences, this research will focus on analyzing how dental and oral healthcare is maintained from a sharia perspective, encompassing responsibilities, ethics, and the healthcare industry. Additionally, it will explore how Islamic principles, legal frameworks, and professional standards intersect in dental and oral healthcare. This discussion is expected to provide insights into the concept of sharia-based oral healthcare services in hospitals.

B. Research Method

This study examines issues related to Islamic principles in dental healthcare services. The research method employed is juridical-normative legal research. The researcher reviews literature or secondary data, including primary legal materials, secondary legal materials, and tertiary legal materials, to seek answers and solutions to the existing issues, using a statutory approach. This research is descriptive in nature, where the researcher describes the findings through a qualitative literature review. A literature study is conducted to collect data and information relevant to this research. The researcher explores and examines laws, books, government documents, and academic articles related to the research theme. The collected data is analyzed using content analysis, where the researcher analyzes and interprets the content of the collected literature.

C. Discussion

1. Dental and Oral Health Maintenance from a Sharia Perspective: Responsibilities, Ethics, and the Healthcare Industry

In the concept of health from a Sharia perspective, health is regarded as a trust (*amanah*) from Allah SWT for which individuals will be held accountable. Islam recognizes the importance of oral health, as the mouth serves as an entry point for various diseases that can affect overall well-being. Teeth, which play a vital role in digestion and speech, are significantly linked to other organs of the body. In this context, the serious health risks associated with dental issues are often underestimated, even though dental problems can contribute to the development of other dangerous

diseases and hinder a person's ability to perform religious duties. The Prophet Muhammad (PBUH) placed special emphasis on dental care, as seen in his recommendation to use siwak before prayer.(Annisah, 2010)

A Muslim dentist is expected to apply Islamic moral and ethical principles in their practice. This includes adhering to the ethics of the Prophet Muhammad (PBUH), such as siddiq (truthfulness), amanah (trustworthiness), tabligh (conveyance), and fathanah (intelligence). The identity of a Muslim dentist should also reflect qualities such as sincerity, helpfulness (musyarokah), renewal (mujaddid), trustworthiness, moderation (tasawuth), tolerance (tasamuh), justice, and balance (tawazun). From a Sharia perspective, health is seen as a trust from Allah SWT, for which individuals will be held accountable. Islam acknowledges that the mouth is a gateway for various diseases stemming from the food we consume daily. The mouth is the starting point of all digestion, and teeth are part of the human body that aids in digestion and speech, making them significantly connected to other organs.(L. D. Anggraini, 2013)

Serious health risks related to dental problems are often underestimated by many people. Dental issues can contribute to the development of other dangerous diseases and significantly impact a person's ability to worship Allah SWT. Therefore, it is crucial to maintain proper dental hygiene. The Prophet emphasized dental care, even commanding the use of siwak before each prayer. Siwak is a stick from the arak tree used to prevent tooth decay.(Melati et al., 2019)

The Sharia healthcare industry forms an ecosystem involving not only Sharia-compliant healthcare providers like hospitals but also suppliers of medical equipment, pharmaceuticals, and healthcare products. In the current halal ecosystem, Sharia-compliant hospitals are linked to several other sectors, including halal pharmaceuticals and halal food and beverages provided in hospitals. Additionally, through Sharia hospitals, the Sharia healthcare industry accommodates human resources within its ecosystem, such as healthcare workers, to provide broader services, including halal medical travel and hospitality services.

Sharia healthcare services primarily aim to benefit the community. In this context, Ummah refers to the Muslim community and all people, as Ummah in Arabic means society or nation. Similarly, Sharia healthcare services are inclusive and accessible to all, regardless of religious belief, while prioritizing high values and better quality of care. The convergence of Islamic principles, legal frameworks, and professional standards in the context of dental and oral healthcare in hospitals presents a unique and multifaceted landscape.(D. Anggraini, 2013)

From an Islamic perspective, health is considered a divine gift for which individuals must be held accountable. This perspective emphasizes the importance of patient satisfaction in achieving optimal health outcomes. By prioritizing patient-centered care, healthcare providers can align their practices with Islamic values and contribute to the overall well-being of individuals.

To ensure high-quality care, the implementation of robust healthcare standards is essential. These standards must prioritize responsibility, safety, fairness, and inclusiveness to create a supportive and accessible healthcare environment. By adhering to these standards, healthcare providers can enhance the quality of care delivered and promote patient satisfaction.(Sri Isriawaty, 2015)

2. Islamic Principles, Legal Framework, and Professional Standards in Dental and Oral Healthcare

Dentists and dental therapists do more than just treat patients when they are ill; they assist patients in healing because Allah SWT has provided every individual with a natural mechanism for self-healing. Dentists merely optimize this mechanism. A Muslim dentist or dental therapist must understand that there is no power except from Allah, the Almighty. They must entrust all the outcomes of their efforts to Allah. A good Muslim dentist always acts in accordance with the Qur'an and Hadith in serving patients, refraining from providing medical services that conflict with Islamic morals and ethics. Furthermore, Muslim dentists and therapists will not become arrogant due to the social status associated with their profession. Instead, they work not only for wealth but also for service and social contribution.(Gresfullah et al., 2023)

In Islam, malpractice can be classified as a *jarimah* (crime), as it has the potential to harm others and may even result in death. For instance, if a medical or healthcare worker treats a patient and intentionally causes their death, they may be considered guilty of *jarimah* murder. Such actions are classified as *jarimah* if they fulfill the elements of the crime. The primary punishment for this offense includes *diyath mukhaffafah* (light compensation) and *kiffarat* (freeing a slave). If these penalties cannot be applied, the alternative is to fast for two consecutive months as a substitute for *kiffarat*. An additional punishment is the prohibition of inheritance and receiving bequests for a murderer who has familial ties with the victim, (Putri, 2021) his is a significant concern for healthcare professionals. Therefore, Muslim dentists or dental therapists are considered exemplary if they can apply Islamic principles to their knowledge and adhere to the rules and responsibilities of their profession.

Dentists and dental therapists are bound by a code of ethics that reflects the oath they take. They are obligated to provide care to their patients based on their competence and must help others with the belief that aiding and healing others is a right granted by Allah. A Muslim's ethical duty toward Allah is to pray for the knowledge granted by Him. Professional standards are guidelines set by professional organizations to ensure that the healthcare services provided meet expected levels of quality. These standards encompass various aspects, including the competence of healthcare providers, the use of technology, and professional ethics.

By following professional standards, healthcare providers can ensure that the care they offer is consistent with both Islamic values and modern medical expectations. This alignment not only promotes patient safety and satisfaction but also upholds the ethical and legal integrity of healthcare professionals within the framework of Sharia.

The application of high-quality care in oral healthcare is key to achieving the desired outcomes. This involves the use of modern equipment, the latest techniques, and strict adherence to clinical guidelines. Dentists and oral health therapists play a crucial role in ensuring that high oral health standards are met. They are not only responsible for providing clinical care but also for educating patients about the importance of oral hygiene and disease prevention. Ethical practice and patient-centered care are essential for these professionals to provide high-quality oral healthcare. (Husna & Prasko, 2019)

By adhering to ethical principles and prioritizing patient needs, oral health professionals can contribute to the overall well-being of individuals and promote positive health outcomes. Specifically, the goals of dentists and oral therapists are to provide preventive, curative, and rehabilitative measures to patients, both individually and within the community, through:(Diyanto, 2009)

- 1) **Hifdh ad-Din**: This relates to the patient's faith and the community being served.
- 2) **Hifdh an-Nafs**: Protecting the dignity and honor of the patient being treated. Maintaining patient confidentiality is crucial and is part of the ethics of Muslim dentists and oral therapists.
- 3) **Hifdh al-Aql**: Protecting the mental state of the dentist and therapist by providing responsible answers to emotional patients.
- 4) **Hifdh al-Maal**: While working, dentists and oral therapists must consider the effectiveness and efficiency of the therapy or diagnosis.

This sector encompasses various healthcare services that uphold Islamic values, from hospitals to pharmaceutical companies. Through this approach, all healthcare services provided align with religious teachings and offer comprehensive care. Islamic hospitals, medical equipment manufacturers, and pharmaceutical companies play a crucial role in providing the facilities and technology for quality dental care. They ensure that all products and services are ethical, legal, and meet the needs of Muslim patients.

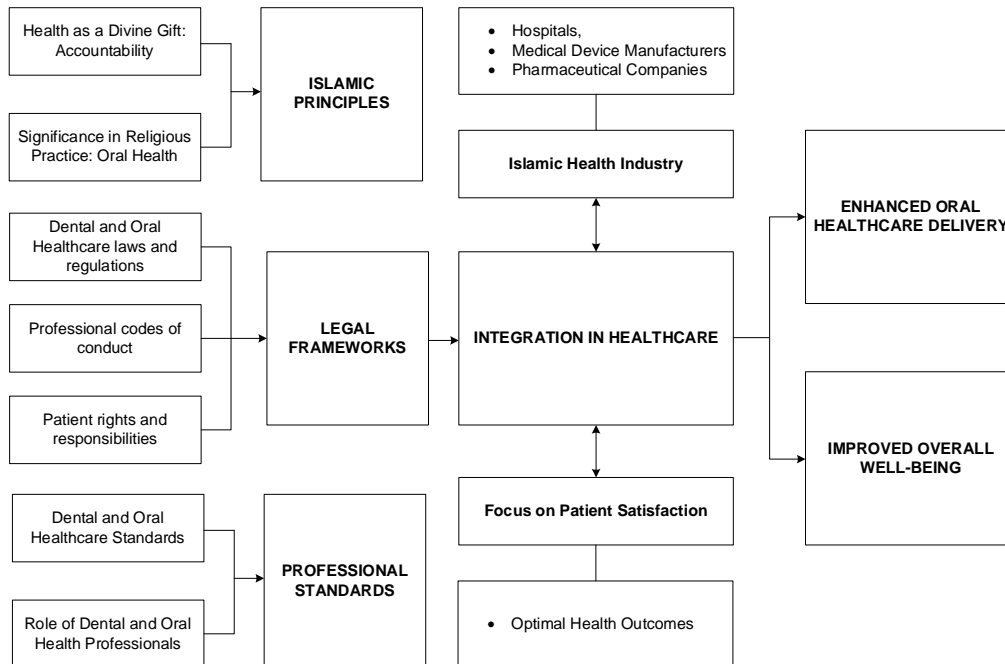
Islamic hospitals are institutions where all activities are based on Maqasid al-Shariah al-Islamiyah, which aims to safeguard religion, life, intellect, lineage, and property. The Maqasid Shari'ah serves as guidance to ensure that everything done does not contradict Sharia principles. These principles guide hospital management, including human resources, infrastructure, and financial management. Islamic hospitals offer holistic solutions to complex healthcare problems. (Shidiq, 1970)

The National Sharia Council-Majelis Ulama Indonesia (DSN-MUI) issued fatwa No. 107/DSN-MUI/X/2016 on Guidelines for the Operation of Sharia-Based Hospitals. The requirements for hospital services are outlined in the fifth section of the regulation on hospital services. There are 13 points regarding service that serve as references for sharia-compliant services in hospitals. For example, hospitals must commit to acting with integrity, courtesy, and friendliness, always striving to provide transparent and high-quality care. Integrity, courtesy, and friendliness are meant to make patients feel comfortable with the care they receive. Moreover, transparent services must correctly and accurately fulfill patients' rights and obligations without neglecting the patient. All aspects of hospital services must be disclosed to the public, whether requested or not, which fosters transparency and quality in healthcare delivery.

Patient satisfaction is the top priority in the Islamic healthcare industry. This means that healthcare services must be not only medically effective but also aligned with the patient's spiritual and cultural values. Patient satisfaction is measured by comparing the patient's expectations of the healthcare service with their evaluation of the service received. This enhances both patient satisfaction and health outcomes.

According to Qardhawi, as a guideline for determining patient satisfaction, an institution or hospital must assess the performance of the company based on several factors: **Honesty**: A hospital should instill honesty in all personnel, ensuring that they are truthful with staff, patients, and those around them. **Trust**: Trust involves giving every right to its rightful owner, not taking more than one's share, and not reducing others' rights, whether in terms of price or otherwise. **Truthfulness**: Lying in trade is highly condemned in Islam, especially when coupled with false oaths in the name of Allah SWT.

The integration of Islamic principles, the legal framework, and professional standards results in higher quality and more comprehensive dental healthcare. This involves providing care that is not only medically effective but also aligned with the spiritual and cultural beliefs of the patient. By delivering high-quality dental healthcare in harmony with Islamic values, we anticipate an improvement in patients' overall well-being, encompassing physical, mental, and spiritual health, thus fostering a balanced and harmonious life.(Miftahuddin, 2012)



Gambar 1 : The Convergence of Islamic Principles, Legal Framework, and Professional Standards in Oral Healthcare

D. Conclusion

The maintenance of oral health from a Shariah perspective emphasizes the importance of understanding health as a trust (amanah) from Allah SWT, for which individuals are held accountable. In Islam, health, including dental and oral health, is seen as an integral part of overall well-being that must be diligently preserved. Teeth play a crucial role in both digestion and speech, and their proper care is essential for maintaining general health and the ability to perform religious duties, such as worship. Therefore, optimal dental care is necessary to prevent negative impacts on both health and religious practices. Muslim dentists and oral health therapists are expected to apply Islamic ethical principles in their practice, which include honesty (siddiq), trustworthiness (amanah), and balance (tawazun). These ethics emphasize adherence to values such as integrity, trust, and intelligence (fathanah) in the delivery of care. In cases of malpractice, Muslim dentists must be aware of the serious consequences, including possible legal outcomes such as diyat (compensation) and kiffarat (expiation), and are expected to uphold principles of justice and responsibility in their practice.

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