

CHAPTER 3

RESEARCH METHODOLOGY

3.1 Introduction

This section explains the methodology and methods used for this study. The methodology and method used has been referred to latest International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC) Guideline. This study used the methodology as specified in ISO 31022: Risk management -Guidelines for the management of legal risk (International Organization for Standardization, 2020) and IEC 31010:Risk management - Risk assessment techniques (Commission, 2019). ISO 31022 was chosen because the guide is intended to assist in understanding the specific issues that legal risk brings for companies as a complementary document to ISO 31000. In addition, ISO 31022 provides a mechanism for the organizations to successfully mitigate legal risk by offering detailed information and advice about activities that facilitate in meeting expectations of a broad variety of stakeholders. Whereas, IEC 31010 was selected because it offers guidance on the collection and implementation of different techniques that can be used to enhance the way risk is taken into consideration and to understand risk.

The research objective of this study as follows:

1. Research Objective (RO1): To Identify Legal Risks during Crisis in Malaysian Private Hospital;

2. Research Objective (RO2): To Identify Relevant Area of Law Governing the Legal Risks;
3. Research Objective (RO3): To Analyze Legal Risk in the Crisis Management;and
4. Research Objective (RO4): To investigate current and additional Legal Risk Mitigation action

3.2 Case Study Method

Appropriate type of research method need to be selected in conducting the risk assessment. Qualitative research is generic in nature and requires a direction that is mostly determined by the specific objective and type of study used to arrive at a result. Case studies are one such direction, inspired by the desire to delve deeply into a particular unit, person, programme, or organization in order to get a level of understanding that would not have been available through other means (Njie & Asimiran, 2014). In addition, a case study is a type of research that is used to develop a comprehensive, multifaceted understanding of a complicated subject in its real-world context (Crowe et al., 2011). It is a well-known research design that is used in many different fields, especially in the social sciences.

There are several categories of case study (Piaw, 2012). One of these are instrumental case study. The objective of the research will determine the category of the case study. An instrumental case study is used to better understand a theory or a situation that is related to a theory. It helps the researcher to gather extensive data on a topic connected to the theory. Furthermore, case studies research method are used to explore an unknown issue, explain a previously occurring event, and elaborate on a

specific phenomenon. Data from descriptive case studies are usually in qualitative form since they describe the topic being explored in detail.

Therefore, this case study inspired from the bomb threat and evacuation process incident in 2018. As per Crowe et al. (2011) guide, this case study is to explore the potential risk during this incident. This case study also explore the relationship of stakeholder theory and crisis management that involving bomb threat and evacuation.

3.3 Unit of Investigation

This study has been conducted in KPJ Seremban Specialist Hospital in Seremban, Negeri Sembilan, Malaysia. The Research Approval Letter to Conduct Research in KPJ Seremban has been granted on 7 June 2021 and the letter in Appendix 2

3.4 Respondents

For sample size, there is an inverse relationship between the amount of usable data obtained from each participant and the number of participants (Morse, 2000). The number of participants will decrease as more useful data are collected from each person (via interviews, for example). If a phenomenological study is conducted utilizing in-depth interviews, the researcher has a vast amount of data for each participant and so require small participants in the study, between 6 to 10.

Besides, in a study related to Disaster Resilience in Malaysian Hospital Buildings by Samsuddin, Takim, and Nawawi (2015), six respondents have been chosen. The six prospective respondents were chosen based on their prior experience in crisis management, specifically in the hospital. The researcher then conclude that the data gathered for the purposes of this paper are reliable.

Therefore, by referring to the literature, this LRM study will involve 6 respondent based on their experience in respected fields.

This LRM study also involved 2 types of respondent known as purposive respondent and expert respondent (Kumar, 2011). Purposive respondent is based on the researcher's assessment of who can supply the most relevant data to meet the research aim and objectives. Only those individuals who are most likely to have the necessary information and be ready to share it with the researcher are being selected. When developing a historical reality, describing a phenomenon, or developing something about which little is known, this form of sampling is incredibly helpful. Additionally, respondents for expert sampling must be experts in the researcher's field of interest. The criteria of Purposive Respondent for this study as follows:

1. The respondent who demonstrated or well-established competence in managing crisis in bomb threat and evacuation;
2. The respondent are directly involved with the incident and they are involved in decision-making process;
3. The respondent give consent to participate in this study either individual or group setting; and
4. The respondent willingly to share their experience in managing the crisis

Table 3.1: List of Purposive Respondents for Interview

No.	Name of Respondent	Department and Position
1.	Prof. Dr. Wan Hazmy Che Hon	<ul style="list-style-type: none"> • KPJ Specialist Seremban Hospital • Medical Director
2.	Mr. Nordi Bin Zainal	<ul style="list-style-type: none"> • KPJ Specialist Seremban Hospital • Safety Manager and Incident Commander

No.	Name of Respondent	Department and Position
3.	Ms. Noorfarhah Binti Mohd Haris	<ul style="list-style-type: none"> • KPJ Specialist Seremban Hospital • Risk Officer

In addition to purposive respondent, this study also involving expert respondent.

The criteria for expert respondent as follows:

1. The respondents who have experienced and specific knowledge regarding on these area which are legal judgment, explosive and hazardous material handling, and occupational safety;
2. The respondent are directly involved with the incident and they are involved in decision-making process;
3. The respondent give consent to participate in this study either individual or group setting;
4. The respondent willingly to share their experience in managing the crisis; and
5. They also will share their knowledge and expertise in the crisis management.

The list of the proposed respondent stated in Table 3.2

Table 3.2: List of Expert Respondents for the Interview

No.	Name of Respondent	Department and Position
1.	Mr. Mohammed Mokhzani Bin Mokhtar	<ul style="list-style-type: none"> • Director of State Judiciary (Pahang) • Session Court Judge
2.	Assistant Superintendent of Police (ASP) Rosnizar bin Abd. Wahab	<ul style="list-style-type: none"> • Negeri Sembilan Police Contingent Headquarters • Commander of Bomb Disposal Unit (BDU), State Police Contingent of Negeri Sembilan

No.	Name of Respondent	Department and Position
3.	Deputy Fire Superintendent, Mohammad bin Idris	<ul style="list-style-type: none"> • Negeri Sembilan State Fire and Rescue Department • Commander of Hazardous Material Team (HAZMAT)

3.4. Data Collection and Analysis

Data collection for RO1 started by conducting in-depth data analyzing against the report by KPJ Healthcare Berhad titled The Future of Healthcare, Sustainability Report 2018 (KPJ, 2018). The report is the secondary data. Then, the narrative of the incident has been developed into the flow chart of the event.

In order to identify the potential Legal Risk for the bomb threat and evacuation, the actual event in KPJ Seremban has been compared against HICS Incident Planning Guide (California Emergency Medical Services Authority 2014), relevant literature review and relevant case law. Finally, based on the information from these 4 sources, the potential Legal Risk initially constructed.. The template of potential Legal Risk Table as per Table 3.3.

Table 3.3: Potential Legal Risk Template

No.	KPJ Bomb Threat Event	HICS Incident Guideline (IPG)	Source of Legal Risk Reference	Legal Risk Identification
			Literature Reference	Potential Legal Risk
			Relevant Caselaw	

After the potential Legal Risk has been identified, the Respondent for the interview is being identified. Since the KPJ Seremban Medical Director, Safety Manager and Risk Officer directly involved in the incident, they have been identified as Purposive Respondent. The list of respondent in Table 3.1.

For ROI data collection, semi-structured, in-depth interviews allow the respondent to speak freely on specified pre-determined themes (Kvale, 1996). The interviewer might elicit more detailed information about the areas of interest by asking probing follow-up questions. As this interview techniques suitable with the research objective, the semi-structured, in-depth interview is being used for data collection.

In the beginning, all of respondent has been contacted by telephone and e-mail for interview appointment. The respondent also being given the Consent Form in Appendix 2 to participate in the interview and they has gave the consent through Google Meet Platform. The Interview 1 has been conducted on 9 June 2021 (Wednesday) at 3.00 pm. The details of the interview as in Figure 3.1. Then, data collection has been made using Interview Method with semi-structure Questions. The interview questions in Table 3.4.

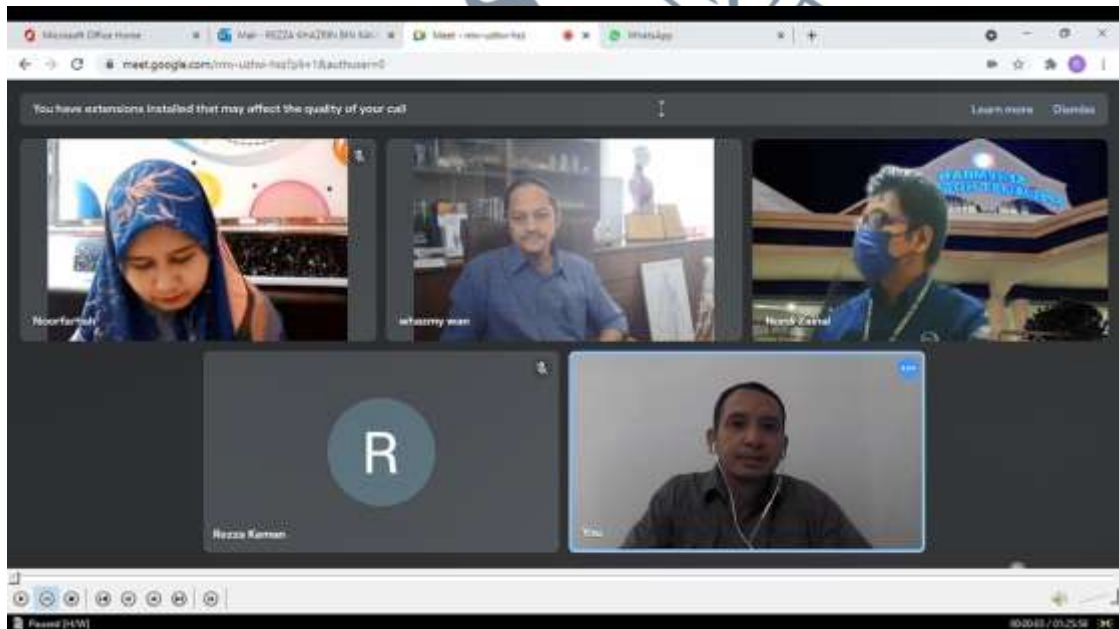


Figure 3.1: Interview 1 via Google Meet Application

Table 3.4: List of semi-structure questions for interview

No.	Question
1.	Based on your experience and knowledge, does the failure to gather the evidence for criminal and civil litigation by the organization in Bomb Threat and Evacuation process can pose Legal Risk?
2.	Based on your experience and knowledge, does the tainted evidence which has been collected for criminal and civil litigation after Bomb Threat and Evacuation process will generate Legal Risk?
3.	Based on your experience and knowledge, does Tort Claim from Employee to the Organization after Bomb Threat and Evacuation process will generate Legal Risk?
4.	Based on your experience and knowledge, does Medical Negligence to emergency patient in Bomb Threat and Evacuation process can create Legal Risk?
5.	Based on your experience and knowledge, does Late Evacuation Order will imposed liability of Public Authorities and The Organization during Bomb Threat and Evacuation process and then will trigger Legal Risk?
6.	Based on your experience and knowledge, does the failure of the organization to provide safe escape route for Bomb Threat and Evacuation process will trigger Legal Risk?
7.	Based on your experience and knowledge, does the failure to provide safe temporary shelter to patient and victim for Bomb Threat and Evacuation process will trigger Legal Risk?

No.	Question
8.	Based on your experience and knowledge, does the Occupier's Liability Claim for Criminal Acts of Third Parties during Bomb Threat and Evacuation process can create Legal Risk?
9.	Based on your experience and knowledge, does leak of Patient Medical information during Patient Transfer in the event of Bomb Threat and Evacuation process?
10.	Based on your experience and knowledge, does injury to Legally Authorized Entree in Bomb Threat and Evacuation can caused Legal Risk?
11.	Based on your experience and knowledge, does the Misrepresentation/Nondisclosure of Insurable Interest from The Organization for Bomb Threat and Evacuation event will trigger Legal Risk?

For the interview session, first, all respondents were asked regarding the interview questions as per Table 3.4. Then, the ISO Legal Risk Identification Matrix (LRIM) as per Table 2.1 have been used for legal risk identification for this study. After the parameter column has been filled with potential Legal Risk, the respondent has been explained about the category from 1 to 6 regarding type of law as per Appendix 3. Then, the respondent choose which category fit the Legal Risk.

According to the definition of content validity, it refers to how closely assessment instrument components relate to and reflect the specified concept for a given assessment purpose (Haynes, Richard, & Kubany, 1995). Whereas, Content validation has been defined by Escobar-Pérez and Cuervo-Martínez (2008) as an informed view from individuals with a track record in the field who are regarded by others as competent experts and who can provide information, evidence, judgments, and assessments.

Hence, as the instrument component using the ISO 31022 document and the specified concept is legal principle, the content validation made by this research was made by the experienced session court judge who also has vast experience in area of law. The judge also served as Director of State Judiciary.

For the validation of potential Legal Risk, Interview 2 session has been conducted with Mr. Mohammed Mokhzani Bin Mokhtar, Session Court Judge on 12 June 2021 (Saturday) at 3 pm as per details in Figure 3.2. The validation was needed to determine potential Legal Risk as the judge is the experienced figure in legal area. In brief, the steps taken to identify Legal Risk as follows:

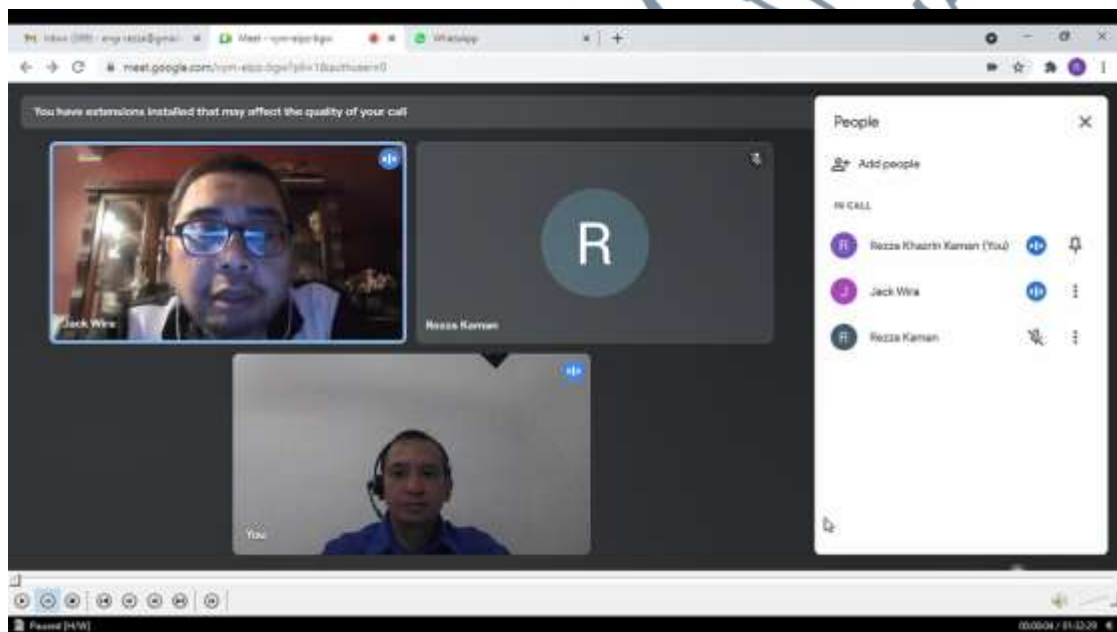


Figure 3.2: Interview 2 via Google Meet Application

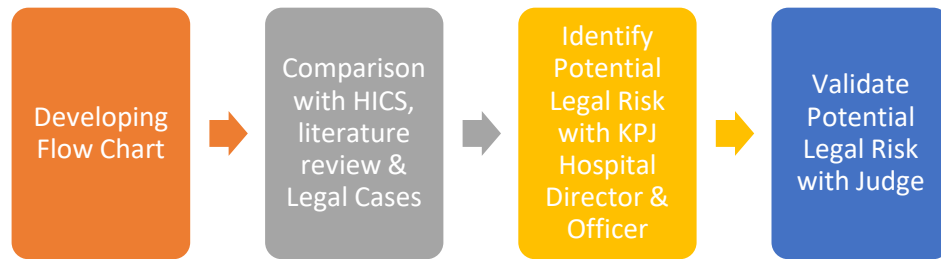


Figure 3.3: Steps taken to identify Legal Risk

Next, the data involved in RO2 being obtained from RO1 in form of LRIM and Legal Risk Register (LRR) as per example in Table 2.2. In LRR, the details of the Legal Risk has been completed. The data for RO2 is gathered from RO1 where the purpose of RO2 is to identify relevant area of law for the potential Legal Risk. First, Interview 1 with KPJ Hospital Director and Officer has been conducted on 9 June 2021 (Wednesday). This interview was to identify the potential Legal Risk. Then, Interview 2 was being held on 12 June 2021 (Saturday) to validate the relevant area of law that has been identified in the first interview. The respondent for the second interview was Session Court Judge, Mr. Mokhzani. Besides validating the area of law, the respondent also validate the LRR for the study

For the data analysis of RO2, the mapping of type of Legal Risk has been conducted using LRIM while for Legal Risk Register (LRR), it has been done partially as to complete the LRR, the action plan has to completed by the KPJ Hospital Director and Officer.

For RO3, the data collection has been made by using online interview. Interview 3 has being conducted on 16 June 2021 (Wednesday) at 3.00 pm using Google Meet Platform. The details in Figure 3.4. In this interview, all the respondent as per Table 3.1 has been asked to perform risk scoring for potential Legal Risk. The scale for likelihood as per Table 2.3. For Impact/Consequences, the description as per Table 2.4. During the

interview, the question of the likelihood and Impact/Consequences for each Legal Risk was being asked and the score was plotted in the customized Microsoft Excel.

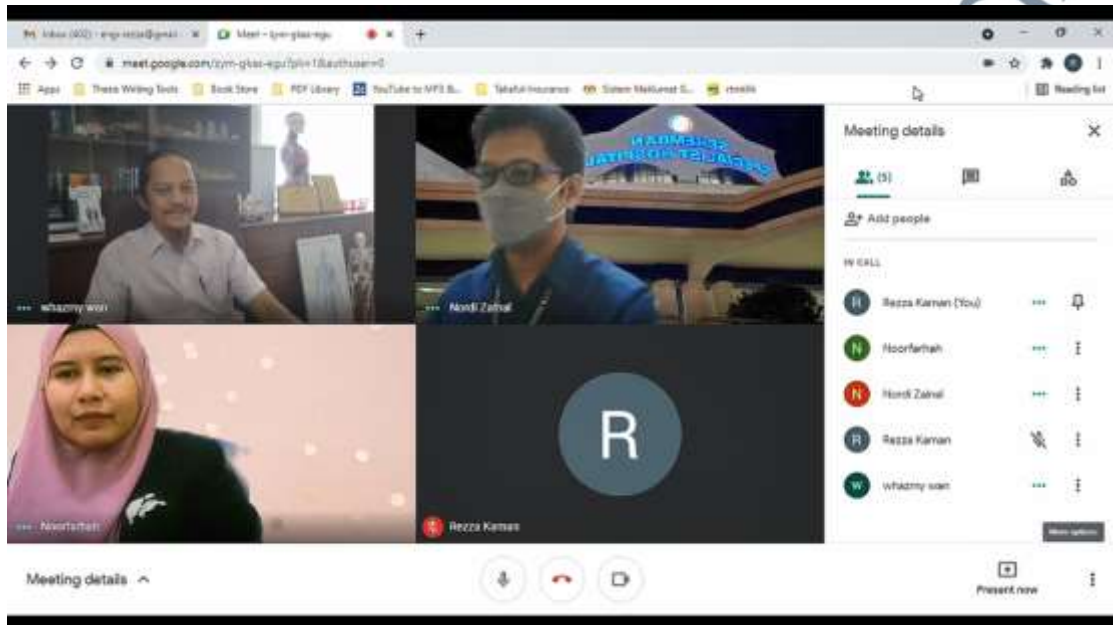


Figure 3.4: Interview 3 via Google Meet Application

For RO3 data analysis, the plotted Risk Score then being calculated where the Risk Score for each Legal Risk equals to Likelihood times Consequences. As there were 3 respondents, the individual Risk Score will be combined and then divided into 3 in order to find Risk Score Average. After obtaining Risk Score, the Risk Ranking was being developed in order to find priority of the Legal Risk. The Risk Ranking has been sort from the highest into the lowest.

There are 5 interview that were carried out for the purpose of this study. Interview 4 has been conducted with Mr. Mohammad bin Idris, Commander of Hazardous Material Team (HAZMAT) on 16 February 2022 (Wednesday) at 11.00 am in the Ampangan Fire and Rescue Station, Seremban, Negeri Sembilan. The details in Figure 3.5. While, Interview 5 with Mr. Rosnizar bin Abd. Wahab Commander of Bomb Disposal Unit (BDU) has being held on 18 February 2022 (Friday), 9.00 am at Office

of Bomb Disposal Unit (BDU), Negeri Sembilan Police Headquarters, Seremban, Negeri Sembilan. The details in Figure 3.5.



Figure 3.5: Interview 4 (Face-to-face Interview)



Figure 3.6: Interview 5 (Face-to-face Interview)

For RO4 data collection which related to the current Legal Risk Mitigation action, the data collected was obtained from the Interview 1 and Interview 3 with KPJ Hospital Director and Officer. While for the additional Legal Risk Mitigation action, the data obtained from Interview 2, 4 and 5. In interview 4 and 5, the respondents has been shown with the LRR that has been completed partially by the KPJ Medical Director and Officer. The respondents then choose Late Evacuation Order by Authority for additional Legal Risk mitigation recommendation.

For RO data analysis, the current Legal Risk Mitigation action, the data obtained was being analyzed using the LRR. While for the additional Legal Risk Mitigation action, the data obtained was analyzed using Additional Legal Risk Mitigation action

3.5 Conclusions

This section has set out the method used in this study. The method is regarded as a standard tool to for risk management as it is has been set by the international organization. Therefore, if other research used the same methodology, the result is consistent when another researcher who reproduces the study. In summary, the main advantage of these methods is that they provide flexibility and also the techniques presented here are capable to achieve all the four Research Objective (RO) of this study