

## SHARIAH AUDIT, TRANSPARENCY, AND THE CONSTITUTIONAL COURT: Protecting Public Funds from an Islamic Economics Perspective

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**Abstract:** This study examines the role of Shariah audit and transparency in protecting public funds from an Islamic economics perspective, with a specific focus on the Constitutional Court's role as the ultimate guardian of financial integrity. The research aims to synthesize recent literature to identify prevailing trends, analytical frameworks, and existing gaps in the field. The methodology employed is a Systematic Literature Review (SLR) following the PRISMA protocol, with a search conducted in the Scopus database yielding 50 selected articles for thematic analysis. Key results reveal that Shariah audit serves as a dual governance mechanism ensuring both financial accuracy and Shariah compliance. The Constitutional Court is conceptualized as a pivotal institution executing a modern hisbah function, wielding the authority to annul policies that enable misuse. Findings also indicate significant geographical disparities, a dominance of qualitative approaches, and the disruptive potential of technologies like blockchain and AI in enhancing transparency. However, technological implementation still faces regulatory and capacity-building challenges. The conclusion affirms the necessity of integrating ethical principles (Maqasid al-Shariah), audit mechanisms, and judicial oversight. This study contributes to the literature by introducing an integrative analytical framework that links Shariah audit, technological transparency, and constitutional judicial oversight, offering a novel perspective on how modern Islamic governance can institutionalize accountability and safeguard public wealth.

**Keywords:** Shariah audit; financial transparency; Constitutional Court; Islamic economics; Maqasid al-Shariah; public governance; blockchain

**Abstrak:** Penelitian ini mengkaji peran audit Syariah dan transparansi dalam melindungi dana publik dari perspektif ekonomi Islam, dengan fokus khusus pada peran Mahkamah Konstitusi sebagai penjaga utama integritas keuangan. Penelitian ini bertujuan untuk mensintesis literatur terkini guna mengidentifikasi tren yang berlaku, kerangka kerja analitis, dan kesenjangan yang ada di bidang ini. Metodologi yang digunakan adalah Systematic Literature Review (SLR) dengan mengikuti protokol PRISMA, dengan pencarian yang dilakukan dalam basis data Scopus yang menghasilkan 50 artikel terpilih untuk dianalisis secara tematik. Hasil utama mengungkapkan bahwa audit Syariah berfungsi sebagai mekanisme tata kelola ganda yang memastikan akurasi keuangan dan kepatuhan Syariah. Mahkamah Konstitusi dikonseptualisasikan sebagai institusi pivotal yang menjalankan fungsi hisbah modern, dengan kewenangan untuk membatalkan kebijakan yang memungkinkan penyalahgunaan dana. Temuan juga menunjukkan adanya disparitas geografis yang signifikan, dominan pendekatan kualitatif, dan potensi disruptif teknologi seperti blockchain dan AI dalam meningkatkan transparansi. Namun, implementasi teknologi masih menghadapi tantangan regulasi dan pengembangan kapasitas. Kesimpulan penelitian menegaskan perlunya integrasi prinsip-prinsip etika (Maqasid al-Shariah), mekanisme audit, dan pengawasan yudisial. Studi ini berkontribusi pada literatur dengan memperkenalkan kerangka analitis integratif yang menghubungkan audit Syariah, transparansi teknologi, dan pengawasan yudisial konstitusional, menawarkan perspektif baru tentang bagaimana tata kelola Islam modern dapat melembagakan akuntabilitas dan melindungi kekayaan publik.

**Kata kunci:** audit Syariah; transparansi keuangan; Mahkamah Konstitusi; ekonomi Islam; Maqasid al-Shariah, Tata Kelola Publik; Blockchain

## Introduction

The ethical stewardship of public funds is a cornerstone of sound governance, a concern that takes on profound significance within the framework of Islamic economics.<sup>1</sup> Here, the imperative transcends mere fiscal responsibility, being deeply rooted in divine injunctions that champion justice ('adl), public welfare (*maslahah*), and the sacred protection of wealth (*hifz al-mal*). In response to this imperative, mechanisms like Shariah audit and transparency have emerged as indispensable pillars, designed to ensure that financial systems operate within the bounds of Islamic law and ethical principles.<sup>2</sup> Their role is uniquely dualistic: to guarantee both financial accuracy and strict adherence to Shariah, thereby safeguarding resources from misuse through practices such as *riba* and *gharar* (excessive uncertainty).

A significant and growing body of scholarship has endeavored to unpack the complexities of Shariah audit, with considerable attention paid to its technical standards, its integration into corporate governance structures, and its philosophical foundations in *Maqasid al-Shariah*.<sup>3</sup> Transparency, likewise, is consistently championed as a non-negotiable prerequisite for cultivating trust and ensuring accountability. However, despite this wealth of research, a critical synthesis is conspicuously

absent. The literature remains notably fragmented, particularly when it comes to examining the external institutions that enforce these principles. While internal audit committees and national regulators are frequently analyzed, the potent role of apex judicial bodies specifically Constitutional Courts as the ultimate guardians of the public treasury has been largely overlooked.<sup>4</sup>

This oversight is far from trivial. The theoretical promise of Shariah audit and transparency risks becoming merely aspirational without robust, independent institutions capable of enforcing accountability against powerful state actors. Constitutional Courts, vested with the formidable authority to annul legislation and executive actions, are uniquely positioned to act as modern incarnations of the classical Islamic concept of *hisbah* (public accountability). This dynamic is particularly salient in contexts characterized by legal pluralism, where the interaction between Shariah principles and state law creates a complex governance landscape, as seen in Indonesia. In such a context, the application of Islamic principles in public life is often guided by moderate values, such as those embedded in *Aswaja An-Nahdliyah*, which emphasize balance, tolerance, and public welfare.<sup>5</sup>

Previous literature reviews have, by and large, examined Shariah audit or transparency in isolation, often with a narrow focus on their application within the banking sector.<sup>6</sup> Notably, none have integrated the critical dimension of constitutional judicial

<sup>1</sup> Varsha Mooneeram-Chadee, "The Regulation of Islamic Banking in Mauritius," *ISRA International Journal of Islamic Finance*, 2020, <https://doi.org/10.1108/IJIF-09-2019-0139>.

<sup>2</sup> Azam Abdelhakeem Khalid and Adel M Sarea, "Independence and Effectiveness in Internal Shariah Audit with Insights Drawn from Islamic Agency Theory," *International Journal of Law and Management*, 2020, <https://doi.org/10.1108/IJLMA-02-2020-0056>.

<sup>3</sup> Ejaz Aslam and Razali Haron, "Does Corporate Governance Affect the Performance of Islamic Banks? New Insights into Islamic Countries," *Corporate Governance: The International Journal of Business in Society*, 2020, <https://doi.org/10.1108/CG-11-2019-0350>; Latifah Algabry et al., "Assessing the Effectiveness of Internal Shar Ah Audit Structure and Its Practices in Islamic Financial Institutions: A Case Study of Islamic Banks in Yemen," *Asian Journal of Accounting Research*, 2020, <https://doi.org/10.1108/AJAR-04-2019-0025>; N Nazarmanto et al., "Contextualization of (Yusuf Al-Qardhawi)'s Concept of Moral Education: An Integrative Study with Character Education in {Indonesia},," *Madania* 29, no. 1 (2024): 187–201, <https://doi.org/10.29300/madania.v29i1.9103>.

<sup>4</sup> Md. Abdul Karium Masud et al., "Corruption Disclosure Practices of Islamic and Conventional Financial Firms in Bangladesh: The Moderating Role of Big4," *Journal of Islamic Accounting and Business Research*, 2023, <https://doi.org/10.1108/JIABR-07-2021-0195>.

<sup>5</sup> S M Ayu et al., "Strengthening {Aswaja An-Nahdliyah} Values in the Family: A Strategic Effort to Counter Radicalism," *Madania* 29, no. 1 (2024): 175–86, <https://doi.org/10.29300/madania.v29i1.7767>.

<sup>6</sup> Shakir Ullah, Ian A Harwood, and Dima Jamali, "Fatwa Repositioning The Hidden Struggle for Shari'a Compliance Within Islamic Financial Institutions," *Journal of Business Ethics*, 2016, <https://doi.org/10.1007/s10551-016-3090-1>; Ali R Almutairi and Majdi Anwar Quttainah, "Foreign Directors and Corporate Governance in Islamic Banks," *Journal of Islamic Accounting and Business Research*, 2020, <https://doi.org/10.1108/JIABR-07-2017-0104>.

oversight into a cohesive analytical framework. Furthermore, existing syntheses have struggled to keep pace with the field's rapid evolution, failing to adequately capture its methodological growing pains, its pronounced geographical biases, or the disruptive potential of financial technology (FinTech), which threatens to fundamentally redefine audit processes through innovations like blockchain and artificial intelligence.<sup>7</sup>

This study, therefore, seeks to address these conspicuous gaps by pursuing two central lines of inquiry: (1) What predominant trends characterize the existing literature, particularly in terms of its geographical concentration, methodological preferences, and the theoretical frameworks it employs to understand Shariah audit and transparency? (2) How is the role of the Constitutional Court conceptualized as a mechanism for protecting public funds from an Islamic economics perspective? Furthermore, in what ways do emerging technological innovations converge with the core objectives of Shariah audit to foster unprecedented levels of transparency?

The novelty of this review lies in its deliberate and integrative approach. It moves beyond siloed discussions to synthesize disparate strands of literature through the novel lens of constitutional judicial oversight, weaving together ethical principles (*Maqasid al-Shariah*), governance mechanics (Agency Theory), and institutional dynamics (Institutional Theory) into a cohesive framework. Its contributions are threefold: first, to provide a comprehensive systematic map of the current scholarly landscape; second, to theorize the Constitutional Court as a pivotal yet neglected actor in the governance ecosystem, especially within the context of legal pluralism; and third,

to offer a critically nuanced examination of the promises and pitfalls of technological disruption in Shariah auditing.

This article is structured to guide the reader through this synthesis. The subsequent Method section elaborates on the systematic protocol employed for literature collection and analysis. The Results section then presents a descriptive overview of the literature followed by a detailed thematic analysis. The Discussion section interprets these findings, exploring theoretical synergies, acknowledging limitations, and delineating practical implications. The article concludes by summarizing the key insights and charting a course for essential future research.

## Method

This research was conducted as a Systematic Literature Review (SLR) following the PRISMA guidelines to ensure a transparent and reproducible synthesis of literature on constitutional judicial oversight, Islamic economics, and public finance, with a focus on shariah audit and financial transparency.<sup>8</sup> The PRISMA framework guided the entire process, as illustrated in Figure 1.

The literature search was conducted primarily using the Scopus database due to its rigorous indexing and quality control, which reduces duplication and predatory publications.<sup>9</sup> A Boolean search string was applied using key terms such as "Shariah Audit," "Constitutional Court Role," "Protecting Public Funds," "Preventing Misuse," "Financial Transparency in Islamic Law," and "Accountability in Islamic Economy" (see Table 1);

<sup>7</sup> Gurcan Avci and Yaman Omer Erzurumlu, "Blockchain Tokenization of Real Estate Investment a Security Token Offering Procedure and Legal Design Proposal," *Journal of Property Research*, 2023, <https://doi.org/10.1080/09599916.2023.2167665>; Alwi M Bamhdi, "Analysis of Intangible Assets Reporting Standards and Automation in KSA within an Islamic Context - a Case Study," *Journal of Islamic Accounting and Business Research*, 2024, <https://doi.org/10.1108/JIABR-08-2023-0273>.

<sup>8</sup> David Moher, Lesley Stewart, and Paul Shekelle, "Implementing PRISMA-P: Recommendations for Prospective Authors," *Systematic Reviews* 5, no. 1 (2016): 4–5, <https://doi.org/10.1186/s13643-016-0191-y>.

<sup>9</sup> Elaine M. Lasda Bergman, "Finding Citations to Social Work Literature: The Relative Benefits of Using Web of Science, Scopus, or Google Scholar," *Journal of Academic Librarianship* 38, no. 6 (2012): 370–79, <https://doi.org/10.1016/j.acalib.2012.08.002>.

Prisma Reporting: Shariah Audit And Transparency: A Systematic Review Of The Constitutional Court's Role In Protecting Public Funds And Preventing Misuse From The Perspective Of Islamic Economics

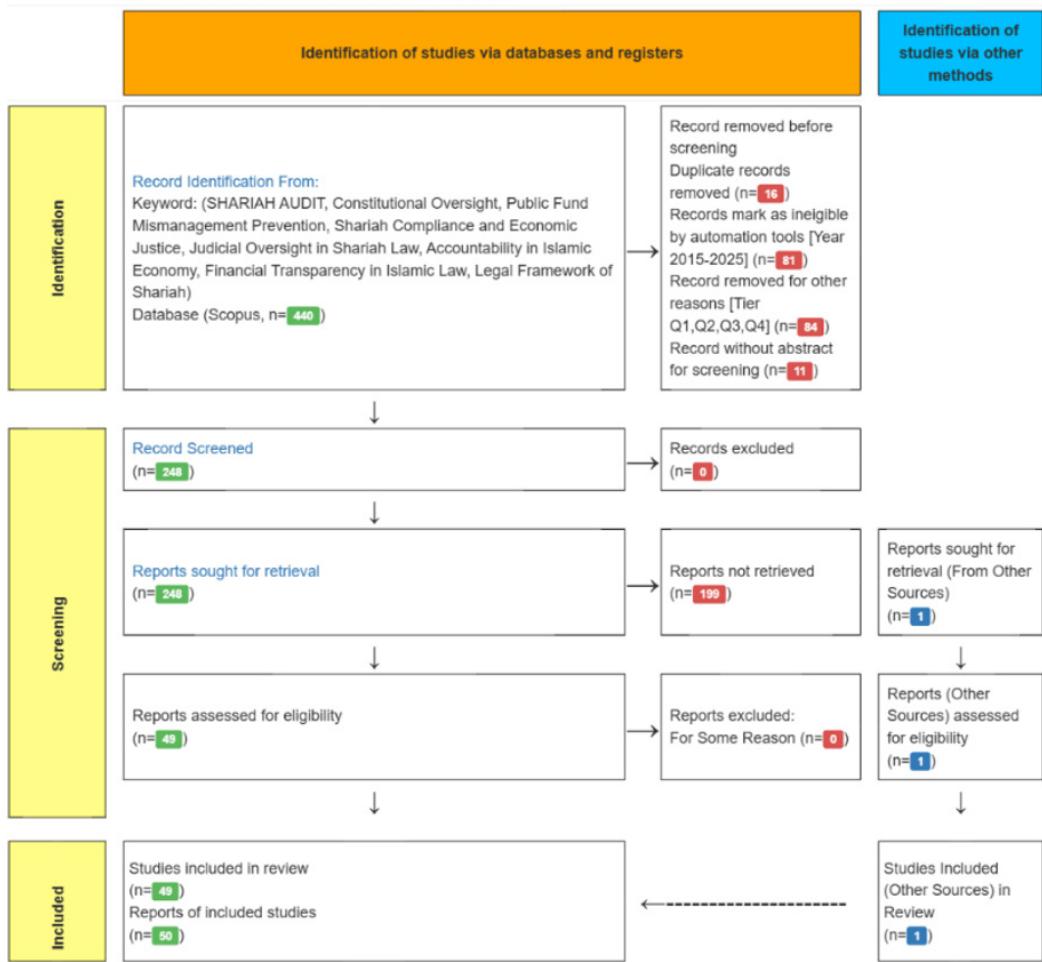


Figure 1. Prisma Flowchart

Table 1. Keyword

Key Terms	Search String
SHARIAH AUDIT	“Shariah Audit”
Constitutional Court Role	“Constitutional Court Role”
Protecting Public Funds	“Protecting Public Funds”
Preventing Misuse	“Preventing Misuse”
Financial Transparency in Islamic Law	“Financial Transparency in Islamic Law”
Accountability in Islamic Economy	“Accountability in Islamic Economy”

The screening phase involved removing duplicates (16 articles), restricting results to the period 2015–2025 (81 excluded), limiting to Scopus Q1–Q4 journals (84 excluded), and excluding records without abstracts (11 excluded). This yielded 248 articles for eligibility assessment.

Full-text retrieval was attempted for all 248 articles; however, 199 were inaccessible. A supplementary search across other databases and grey literature identified one additional relevant article. The remaining 50 articles underwent full-text review and all met the inclusion criteria.

A thematic analysis guided by the Watase Uake system was applied to the final corpus of 50 studies.<sup>10</sup> This approach enabled the identification of key themes and scholarly trends related to constitutional courts and shariah-based fiscal accountability. By adhering to PRISMA, this review ensures a credible and rigorous foundation for future research and policy in Islamic economics.<sup>11</sup>

## Result and Discussion

### Descriptive Overview of the Reviewed Literature

The scholarly discourse on Shariah audit and transparency has evolved into a sophisticated, interdisciplinary field situated at the nexus of Islamic law, ethics, and financial governance. A systematic review of recent publications reveals a compelling narrative: the mechanisms for ensuring the ethical stewardship of public funds are being fundamentally re-evaluated. This re-evaluation is anchored in the powerful, interdependent triad of Shariah Audit, Corporate Governance, and Transparency, which collectively form the conceptual bedrock of contemporary research.<sup>12</sup>

Geographically, the field's development is insightful yet uneven. Research is heavily concentrated in nations where Islamic finance constitutes a core economic sector, with Malaysia and Indonesia emerging as dominant hubs due to their advanced regulatory ecosystems. Significant, context-rich contributions are also arising from

<sup>10</sup> Endang Hariningsih et al., *Ten Years of Evolving Traditional versus Non-Traditional Celebrity Endorser Study: Review and Synthesis*, *Management Review Quarterly* (Springer International Publishing, 2024), <https://doi.org/10.1007/s11301-024-00425-0>.

<sup>11</sup> Nikola Panic et al., "Evaluation of the Endorsement of the Preferred Reporting Items for Systematic Reviews and Meta-Analysis (PRISMA) Statement on the Quality of Published Systematic Review and Meta-Analyses," *PLoS ONE* 8, no. 12 (2013), <https://doi.org/10.1371/journal.pone.0083138>.

<sup>12</sup> Ika Berty Apriliyani et al., "Pentagon Fraud Model and Financial Statement Fraud The Moderating Role of Islamic Corporate Governance," *International Journal of Data and Network Science*, 2024, <https://doi.org/10.5267/j.ijdns.2023.11.005>; Muhammad Iqmal Hisham Kamaruddin et al., "Exploring Shariah Audit Practices in Zakat and Waqf Institutions in Malaysia," *Journal of Islamic Accounting and Business Research*, 2023, <https://doi.org/10.1108/JIABR-07-2022-0190>.

Bangladesh, Pakistan, and the Gulf Cooperation Council (GCC) states, each addressing the unique challenges of integrating Shariah principles into national financial architectures.<sup>13</sup> This geographical focus, while positioning the Global South as a crucible of innovation, simultaneously underscores a critical lacuna in research from Western jurisdictions, where the applicability and adaptation of these principles remain largely uncharted.

Methodologically, the field exhibits a healthy, though not yet optimal, diversity. Qualitative approaches including case studies and conceptual theorizing comprise approximately 55.8% of the literature. This dominance is well-suited to interrogating the complex, normative dimensions of Shariah compliance.<sup>14</sup>

A substantial and growing contingent of studies (39.5%) employs quantitative methods, signaling the field's maturation towards hypothesis testing and generalizability, often utilizing advanced techniques like regression analysis and Structural Equation Modeling.<sup>15</sup> The conspicuous scarcity of mixed-methods research (4.7%) represents a significant missed opportunity for methodological triangulation, which could bridge the gap between deep contextual understanding and empirical validation.<sup>16</sup>

<sup>13</sup> Md. Kausar Alam et al., "Shariah Audit of Islamic Banks in Bangladesh The Present Practice and the Way Forward," *Journal of Applied Accounting Research*, 2023, <https://doi.org/10.1108/JAAR-02-2022-0044>; Masud et al., "Corruption Disclosure Practices of Islamic and Conventional Financial Firms in Bangladesh the Moderating Role of Big4."

<sup>14</sup> Ullah, Harwood, and Jamali, "Fatwa Repositioning The Hidden Struggle for Shari'a Compliance Within Islamic Financial Institutions.;" Latifah Algabry et al., "Conceptual Framework of Internal Shar'ah Audit Effectiveness Factors in Islamic Banks," *ISRA International Journal of Islamic Finance*, 2020, <https://doi.org/10.1108/IJIF-09-2018-0097>

<sup>15</sup> Hamza Mohammad Alqudah, Noor Afza Amran, and Haslinda Hassan, "Factors Affecting the Internal Auditors Effectiveness in the Jordanian Public Sector," *EuroMed Journal of Business*, 2019, <https://doi.org/10.1108/EMJB-03-2019-0049>; Aslam and Haron, "Does Corporate Governance Affect the Performance of Islamic Banks New Insight into Islamic Countries."

<sup>16</sup> Rym Ammar, Sonia Rebai, and Dhafer Saidane, "Toward the Development of an Islamic Banking Sustainability Performance Index," *International Journal of Islamic and Middle Eastern Finance and Management*, 2022, <https://doi.org/10.1108/IMEFM-12-2021-0479>.

Theoretically, the engagement is robust and pluralistic. Maqasid al-Shariah is not merely a theoretical lens but the ethical soul of the field, providing the ultimate criteria for judging whether audit practices serve the higher objectives of justice and public welfare (*maslahah*)<sup>17</sup> This is frequently complemented by Agency Theory, which offers a pragmatic framework for diagnosing and mitigating conflicts of interest within Islamic financial institutions.<sup>18</sup>

Furthermore, Institutional Theory provides a macro-level explanation for how external pressures and the quest for legitimacy shape the adoption of Shariah audit practices across different national contexts.<sup>19</sup> The convergence of these theories demonstrates a field successfully navigating the tension between its distinctive Islamic ethos and the universal demands of sound financial governance.

### Classification Based on Analytical Frameworks

To delineate the intellectual contours of the field, the literature can be organized into four predominant analytical frameworks, each bringing a distinct set of questions and methodological preferences to the fore. The most established of these is the Regulatory and Governance Framework, which situates Shariah audit firmly within the architecture of state and corporate power. Research in this vein is predominantly empirical and focuses on the laws, standards, and oversight bodies that constitute the formal system of compliance, often analyzing the role of institutions like the Constitutional Court as a guardian against public fund misuse.<sup>20</sup> Providing a

critical counterpoint, the Maqasid al-Shariah Ethical Framework moves beyond procedural compliance to evaluate audits based on their teleological outcomes. This approach, often qualitative and normative, asks not merely “was the audit performed correctly?” but “did it serve the higher objectives (*maqasid*) of Islamic law?”, thereby reframing transparency as a fundamental precondition for achieving justice and public welfare (*maslahah*).<sup>21</sup>

Complementing these perspectives is the Principal-Agent Framework, which applies the enduring insights of Agency Theory to the Islamic context. This stream of research, overwhelmingly quantitative in nature, models Shariah audit as a crucial mechanism for mitigating information asymmetry and curbing opportunistic behavior, thereby ensuring that agents act in the principals' best interests while adhering to Shariah precepts.<sup>22</sup> Finally, representing the most forward-looking frontier of the discourse, the Technological Integration Framework critically examines the disruptive potential of Financial Technology (FinTech). It explores how innovations like blockchain and AI promise to redefine audit processes through automation and real-time oversight, while simultaneously grappling with the novel Shariah and regulatory challenges they introduce.<sup>23</sup> The interrelationship between these four frameworks, and their shared foundation in Islamic ethical principles, is visually conceptualized in Figure 2, illustrating a field that is both theoretically diverse and pragmatically oriented.

<sup>17</sup> Azam Abdelhakeem Khalid, Hasnah Haron, and Tajul Ariffin Masron, “Competency and Effectiveness of Internal Shariah Audit in Islamic Financial Institutions,” *Journal of Islamic Accounting and Business Research*, 2018, <https://doi.org/10.1108/JIABR-01-2016-0009>.

<sup>18</sup> Aslam and Haron, “Does Corporate Governance Affect the Performance of Islamic Banks New Insight into Islamic Countries.”

<sup>19</sup> Algabry et al., “Assessing the Effectiveness of Internal Shar Ah Audit Structure and Its Practices in Islamic Financial Institutions a Case Study of Islamic Banks in Yemen.”

<sup>20</sup> Ullah, Harwood, and Jamali, “Fatwa Repositioning The Hidden Struggle for Shari a Compliance Within Islamic Financial Institutions.”

<sup>21</sup> Almutairi and Quttainah, “Foreign Directors and Corporate Governance in Islamic Banks.”

<sup>22</sup> Aslam and Haron, “Does Corporate Governance Affect the Performance of Islamic Banks New Insight into Islamic Countries.”; Khalid and Sarea, “Independence and Effectiveness in Internal Shariah Audit with Insights Drawn from Islamic Agency Theory.”

<sup>23</sup> Avci and Erzurumlu, “Blockchain Tokenization of Real Estate Investment a Security Token Offering Procedure and Legal Design Proposal”; Bamhdi, “Analysis of Intangible Assets Reporting Standards and Automation in KSA within an Islamic Context - a Case Study.”

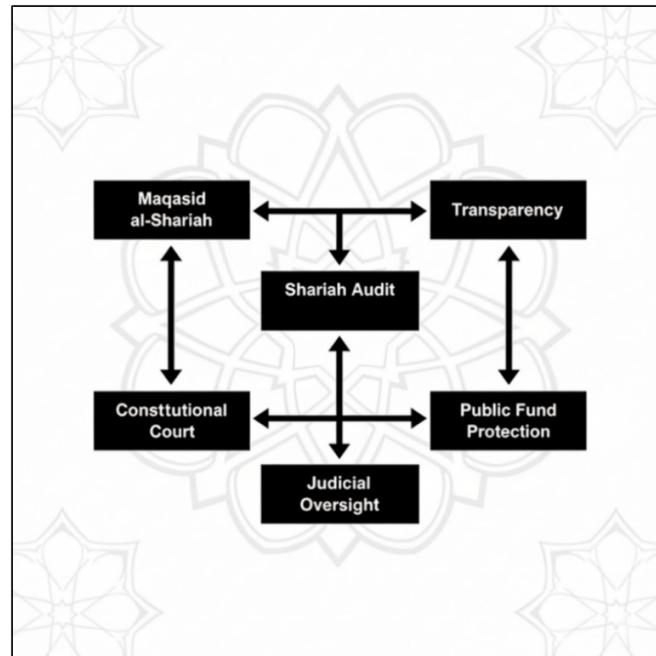


Figure 2. The Pillars of Oversight and Transparency in Maqasid al-Shariah

### In-depth Thematic Analysis

#### 1. The Primacy of Shariah Audit as a Governance Mechanism

The literature leaves little doubt that Shariah audit has transcended its technical accounting function to become a cornerstone of ethical governance. It is consistently framed not as a passive checklist exercise but as a proactive, value-driven system designed to preempt the misuse of public funds by embedding religious and ethical compliance into the very DNA of financial oversight.<sup>24</sup>

Empirical studies, particularly from Malaysia and Indonesia, increasingly demonstrate a strong correlation between well-implemented Shariah audit practices and desirable outcomes such as reduced financial misreporting and enhanced

investor confidence in Islamic institutions.<sup>25</sup> Crucially, the audit's purview is dualistic; it must verify financial accuracy while simultaneously ensuring all transactions and their underlying contracts ('uqud) are devoid of prohibited (*haram*) elements like *gharar* (excessive uncertainty) and *riba* (usury). It is this fusion of financial rigor and ethical scrutiny that distinguishes it from conventional audit and establishes its unique value in safeguarding the public interest (*maslahah*).

#### 2. The Constitutional Court as the Guardian of Public Interest

A particularly novel and defining theme in the recent literature is the sophisticated articulation of the Constitutional Court's role. It is no longer viewed as a passive arbiter of legal disputes but is increasingly conceptualized as an active, powerful

<sup>24</sup> Muhammedamin Hussen saad et al., "Conceptualization of SMEs' Business Resilience: A Systematic Literature Review," *Cogent Business and Management* 8, no. 1 (2021), <https://doi.org/10.1080/23311975.2021.1938347>.despite fragmented literature on definitions, measurements, and of variables influencing the concept. Therefore, there is a need to take stock of current knowledge on the areas and structure them to lay the foundation in this field. We also give due attention to the resilience of SMEs in a highly vulnerable setting (i.e., developing countries

<sup>25</sup> Muhammad Iqmal Hisham Kamaruddin and Mustafa Mohd Hanefah, "Professional Shariah Audit Training via the E-Learning Approach during COVID-19 Challenges and Prospects," *Asian Journal of Accounting Research*, 2022, <https://doi.org/10.1108/AJAR-12-2021-0284>; Suleiman Dalhatu Sani and Mustapha Abubakar, "A Proposed Framework for Implementing Risk-Based Shari Ah Audit," *Journal of Financial Reporting and Accounting*, 2021, <https://doi.org/10.1108/JFRA-02-2020-0041>.

guardian of the public fisc. Its power to invalidate legislation or executive actions that enable the misuse of public resources creates a powerful deterrent effect, shaping the behavior of other state organs.<sup>26</sup>

From an Islamic economics perspective, this judicial function is elegantly interpreted as a modern incarnation of the classical Islamic concepts of *hisbah* (accountability) and *siyasah shar'iyyah* (Shariah-oriented policy), wherein the state bears a religious obligation to prevent oppression (*zulm*) and economic injustice. However, the literature wisely cautions that the Court's effectiveness is not a given; it is contingent upon its operational independence, its capacity to understand complex financial instruments, and its jurisprudential courage to apply Maqasid al-Shariah principles in its rulings.<sup>27</sup> This reveals a symbiotic relationship: the Shariah audit process generates the evidence of compliance or wrongdoing, while the Constitutional Court provides the ultimate enforceable authority. For this system to be effective, the values of justice and accountability must be internalized at all levels, from the auditors to the judges. This internalization process mirrors the findings of Basri, whose study on social mediation showed how Islamic educational values are successfully internalized in community-based conflict resolution, leading to sustainable outcomes.<sup>28</sup>

### 3. The Interplay of Regional Contexts and Regulatory Evolution

One of the most critical insights from the analysis is that the implementation and efficacy of Shariah audit are profoundly shaped by local context. The literature depicts a spectrum of regulatory maturity.

<sup>26</sup> Masud et al., "Corruption Disclosure Practices of Islamic and Conventional Financial Firms in Bangladesh the Moderating Role of Big4."

<sup>27</sup> Algabry et al., "Assessing the Effectiveness of Internal Shar Ah Audit Structure and Its Practices in Islamic Financial Institutions a Case Study of Islamic Banks in Yemen."

<sup>28</sup> B Basri, "Internalization of {Islamic} Educational Values in Social Mediation Practices: A Case Study of {Balinuraga Village, South Lampung},," *Madania* 29, no. 1 (2024): 101–12, <https://doi.org/10.29300/madania.v29i1.7906>.

The advanced, comprehensive frameworks in Malaysia and the GCC are frequently portrayed as benchmark models, characterized by precise standards, professionalized auditor certification, and integrated oversight structures.<sup>29</sup> In contrast, research on Indonesia and Bangladesh often focuses on the dynamic, sometimes contentious, process of regulatory development and the complex task of harmonizing existing national laws with emerging Shariah principles.<sup>30</sup>

This regional disparity underscores a paramount challenge: the absence of a globally standardized framework for Shariah audit leads to significant inconsistencies in practice. This lack of harmonization presents formidable hurdles for the growth of cross-border Islamic finance and impedes the comparability of institutions. The literature correctly identifies this fragmentation as a critical impediment to the global maturation of the industry and a prime area for future policy-oriented research.<sup>31</sup>

### 4. Technological Disruption and the Future of Audit

A rapidly accelerating and particularly fascinating theme is the critical examination of technology's potential to revolutionize Shariah audit. Blockchain technology is met with considerable optimism for its capacity to create decentralized, transparent, and virtually tamper-proof ledgers for public financial transactions. This promises a paradigm shift towards real-time traceability of funds, potentially drastically reducing opportunities for corruption and misappropriation.<sup>32</sup>

<sup>29</sup> Algabry et al., "Conceptual Framework of Internal Shar Ah Audit Effectiveness Factors in Islamic Banks."

<sup>30</sup> Darmawan Darmawan and Ayu Wandirah, "Contribution of Non-Halal of Islamic Banks in Indonesia," *Journal of Islamic Accounting and Business Research*, 2025, <https://doi.org/10.1108/JIABR-07-2024-0241>; Md. Kausar Alam, Abu U F Ahmad, and Aishath Muneeza, "External Shar Ah Audit and Review Committee Vis-a-Vis Shar Ah Compliance Quality and Accountability A Case of Islamic Banks in Bangladesh," *Journal of Public Affairs*, 2020, <https://doi.org/10.1002/pa.2364>.

<sup>31</sup> Almutairi and Quttainah, "Foreign Directors and Corporate Governance in Islamic Banks."

<sup>32</sup> Avci and Erzurumlu, "Blockchain Tokenization of Real Estate Investment a Security Token Offering Procedure and Legal Design Proposal."

The potential for smart contracts to automate compliance executing transactions only upon satisfaction of pre-coded Shariah conditions is another area of intense interest. Furthermore, AI and big data analytics are seen as powerful tools for enhancing risk management by proactively identifying complex patterns indicative of fraudulent activity or non-compliant behavior. However, the literature is not naively techno-utopian. It thoughtfully cautions against technological determinism, highlighting significant challenges such as the need for regulatory sandboxes, the development of Shariah-compliant digital assets, and the pressing need to bridge the digital skills gap within the audit profession itself.<sup>33</sup> This theme represents the most dynamic and forward-looking research frontier, directly confronting the problem of enhancing transparency in an increasingly complex and digital global economy.

## 5. Bridging the Theoretical-Empirical Divide: A Call for Methodological Innovation

A critical and self-reflective undercurrent in the analysis is an awareness of the field's methodological evolution and its remaining limitations. The historical dominance of qualitative, conceptual, and case-study research has been indispensable for building the field's theoretical foundations. However, there is a growing and persuasive consensus on the need for more robust empirical studies capable of demonstrating causality for instance, employing rigorous quantitative methods to measure the precise impact of specific Shariah audit characteristics on tangible outcomes like corruption reduction or improved financial performance.<sup>34</sup>

The scarcity of mixed-methods research is particularly glaring, as this approach is uniquely

<sup>33</sup> Amer Morshed, "Sustainable Energy Revolution Green Finance as the Key to the Arab Gulf States Future," *International Journal of Energy Sector Management*, 2025, <https://doi.org/10.1108/IJESM-10-2024-0007>; Bamhdi, "Analysis of Intangible Assets Reporting Standards and Automation in KSA within an Islamic Context - a Case Study."

<sup>34</sup> Maryam Alhalboni and Kenneth Baldwin, "The Impact of New Millennium Crises on the Power of Islamic Banks in Deposit Markets," *International Journal of Finance & Economics*, 2024, <https://doi.org/10.1002/ijfe.3034>.

suited to providing both the statistical generalizability and the deep contextual understanding required to advance the field. Furthermore, the heavy reliance on secondary data, while valuable, could be powerfully complemented by primary data gathered through surveys, interviews, and experimental designs to gain richer insights into the behavioral, cultural, and institutional factors that ultimately determine audit effectiveness.<sup>35</sup> Future research must, therefore, consciously pursue methodological pluralism and triangulation to produce more compelling, nuanced, and actionable evidence for policymakers and practitioners.

This systematic review has synthesized a complex and rapidly evolving body of scholarship on Shariah audit and transparency, bringing into sharp focus the critical, though still underexplored, role of the Constitutional Court. The field is marked by its vibrancy and its increasingly pragmatic orientation, seeking solutions that range from strengthening legal and regulatory frameworks to harnessing disruptive technologies. The interplay between ethical imperatives (Maqasid al-Shariah), institutional governance mechanisms (Audit & Courts), and technological innovation (Blockchain & AI) charts a comprehensive and promising path for ensuring the integrity of public funds in accordance with Islamic principles.

Based on the gaps and opportunities identified, future research should prioritize the following avenues:

- Empirical Cross-National Comparisons: Large-N comparative studies that rigorously measure the differential impact of various Shariah audit models and judicial oversight mechanisms on outcomes of public financial integrity across a diverse set of countries.
- Technology Integration Frameworks: Moving beyond conceptual speculation to develop and pilot-test concrete frameworks for implementing blockchain-based audit trails

<sup>35</sup> Ullah, Harwood, and Jamali, "Fatwa Repositioning The Hidden Struggle for Shari'a Compliance Within Islamic Financial Institutions."

and AI-driven compliance checks within public institutions, coupled with necessary Shariah-legal analyses of these technologies.

- c. Deepening the Analysis of the Constitutional Court: Conducting in-depth legal doctrinal analysis and qualitative case studies on the specific jurisprudence of Constitutional Courts in Muslim-majority countries regarding public fund misuse, analyzing their reasoning through the lens of Islamic economics.
- d. Promoting Mixed-Methods Approaches: Actively designing research that synergistically combines quantitative analysis of financial data with qualitative insights from auditors, judges, regulators, and the public to build a more holistic and contextually grounded understanding.
- e. Expanding the Geographical Scope: Consciously encouraging and funding research in critically underrepresented regions like North Africa, Central Asia, and Sub-Saharan Africa to build a truly global and comparative understanding of Islamic public financial governance.

By energetically pursuing these priorities, academic research can move beyond description and provide the nuanced, actionable, and empirically robust insights needed to build more transparent, accountable, and ethically resilient financial systems that effectively serve the public interest in Muslim societies and beyond.

This systematic review synthesizes the rapidly growing body of literature on Shariah audit and transparency, with a specific focus on the pivotal role constitutional courts play in safeguarding public funds within Islamic economics. The findings illustrate a field that is both theoretically robust and swiftly adapting to challenges posed by technological advancements and global governance dynamics. The following discussion critically evaluates these findings, situates them within the broader academic context, underscores the novel contributions of this review, and outlines their theoretical and practical implications.

## The Central Role of Shariah Audit and Theoretical Synergies

The central focus on Shariah audit as a cornerstone for ensuring transparency and accountability aligns with the core principles of Islamic economics, which emphasize justice ('adl), public welfare (*maslahah*), and the protection of wealth (*hifz al-mal*) (Khalid et al., 2018). Our analysis confirms that Shariah audit is not merely a procedural or compliance task but a comprehensive tool that integrates ethical principles with modern auditing practices. This review adds depth to this understanding by demonstrating how dominant theoretical frameworks complement one another. While *Maqasid al-Shariah* provides the overarching moral framework, Agency Theory explains how audits mitigate information asymmetry and reduce conflicts of interest between stakeholders.<sup>36</sup> Simultaneously, Institutional Theory emphasizes the external pressures whether regulatory, normative, or cultural that shape the adoption and implementation of Shariah audit across different settings.<sup>37</sup>

Rather than treating these theories in isolation, this synthesis suggests that their combined use offers a more comprehensive analytical approach. The effectiveness of audits (as explained by Agency Theory) often depends on the strength of regulatory institutions (Institutional Theory) and their alignment with broader ethical goals (*Maqasid al-Shariah*). This interconnectedness addresses a notable gap in the existing literature, where these frameworks have often been viewed as separate rather than mutually reinforcing.

## The Critical but Underexplored Role of Constitutional Courts

A key finding of this review is the emergence of the Constitutional Court as an essential external

<sup>36</sup> Aslam and Haron, "Does Corporate Governance Affect the Performance of Islamic Banks New Insight into Islamic Countries."

<sup>37</sup> Algabry et al., "Assessing the Effectiveness of Internal Shar Ah Audit Structure and Its Practices in Islamic Financial Institutions a Case Study of Islamic Banks in Yemen"; Morshed, "Sustainable Energy Revolution Green Finance as the Key to the Arab Gulf States Future."

safeguard for transparency. The role of these judicial bodies in monitoring compliance and protecting public funds through landmark rulings extends earlier studies that focused primarily on internal auditing mechanisms and regulatory bodies.<sup>38</sup> This highlights a crucial linkage between auditing and judicial enforcement, suggesting that a robust Shariah governance framework requires a harmonious relationship between independent auditors and a powerful, Shariah-informed judiciary. The Constitutional Court, acting as the ultimate institutional mechanism, holds other entities accountable, ensuring that the principles of *Maqasid al-Shariah* are effectively operationalized in public governance.

This review offers a unique perspective by integrating the judicial dimension into the discourse on Shariah audit. Unlike previous studies that generally mention regulatory bodies, this synthesis delves into the Constitutional Court's distinct role, arguing that its authority to annul laws that facilitate the misuse of public funds represents a potent, yet largely underexplored, intervention within Islamic financial governance.

### Geographical Concentration and the Need for Broader Global Inquiry

A key limitation identified in this review is the pronounced geographical concentration of research on Shariah audit and transparency, with a predominant focus on Southeast Asia (especially Malaysia and Indonesia) and the Middle East (particularly Saudi Arabia). While these regions boast well-established frameworks for Islamic finance, this focus inevitably leads to an underrepresentation of other regions where Shariah audit could play a significant role. For instance, regions with large Muslim populations but less developed financial markets, such as Sub-Saharan Africa and Latin America, have received little attention in the existing body of literature.<sup>39</sup> This gap is not only significant

<sup>38</sup> Masud et al., "Corruption Disclosure Practices of Islamic and Conventional Financial Firms in Bangladesh the Moderating Role of Big4."

<sup>39</sup> Alam et al., "Shariah Audit of Islamic Banks in Bangladesh the Present Practice and the Way Forward"; Kamaruddin et al.,

but also points to a wider challenge in generalizing Shariah audit models, which may be highly effective in the aforementioned regions but may not be as applicable in areas with markedly different socio-political and economic contexts.<sup>40</sup>

The focus on Southeast Asia and the Middle East risks presenting an oversimplified view of Shariah audit that fails to account for the diverse cultural, regulatory, and institutional contexts found across the Muslim world. For example, the regulatory environments in countries like Nigeria or Kenya, where Islamic finance is emerging but not yet fully established, are vastly different from those in Malaysia or Saudi Arabia. This stark contrast raises the question of whether current models of Shariah audit truly offer a one-size-fits-all solution, or whether they need to be re-contextualized for different regions. Future research must broaden the geographical scope to allow for a more global and inclusive understanding of Shariah audit. Local contexts deeply shape the effectiveness of Shariah audit, and a more nuanced, context-sensitive approach is urgently required.

Figure 3, which visualizes the geographical distribution of research on Shariah audit and transparency, vividly illustrates the regional disparities in this field. As depicted in the pie chart, a large portion of the research (29.7%) is concentrated in Malaysia, with Indonesia contributing 8.1%, followed by countries such as Bangladesh, Saudi Arabia, and Pakistan, which have a smaller but still notable share of the research output. Interestingly, regions such as Africa, Latin America, and Central Asia are largely absent from the discussion, highlighting a critical gap that future studies must address.

"Exploring Shariah Audit Practices in Zakat and Waqf Institutions in Malaysia."

<sup>40</sup> Abdirahman Hassan Hersi, "A Critical Analysis of Somalia's Current Antimoney Laundering and Counter Financing of Terrorism Regime a Comparative Study with Malaysia," *Journal of Money Laundering Control*, 2023, <https://doi.org/10.1108/JMLC-05-2023-0090>; Tze Kiat Lui et al., "Corporate Social Responsibility Disclosures (CSRDs) in the Banking Industry a Study of Conventional Banks and Islamic Banks in Malaysia," *International Journal of Bank Marketing*, 2021, <https://doi.org/10.1108/IJBM-04-2020-0192>.

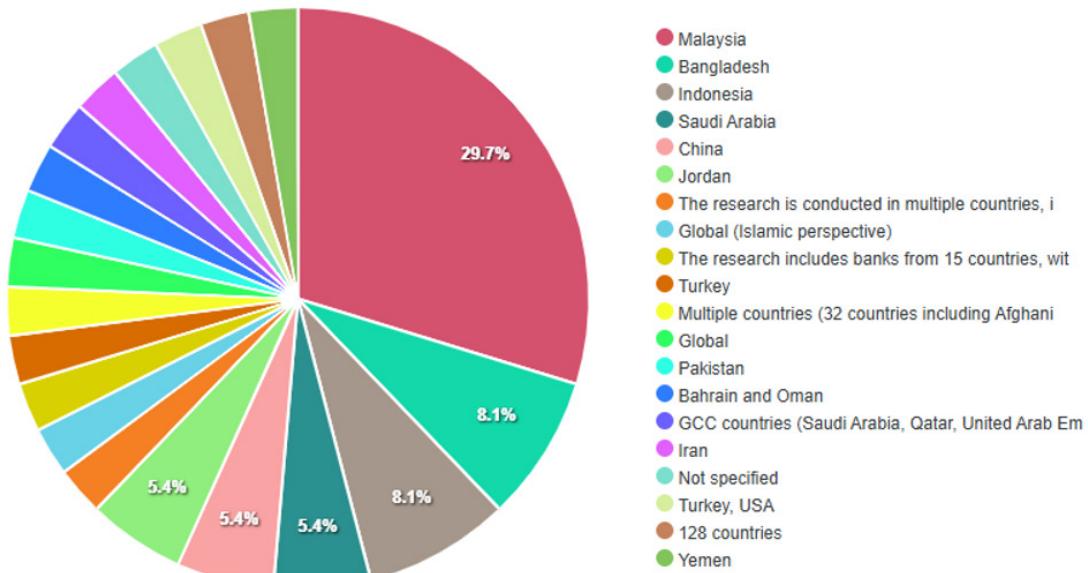


Figure 3. Geographical Distribution of Research on Shariah Audit and Transparency

While this geographical concentration sheds light on the significant contributions of the Global South, it also underscores the gap in research from Western jurisdictions, where the applicability of Shariah audit and transparency remains relatively unexplored. Expanding the geographical reach of Shariah audit research will be crucial in building a comprehensive, globally relevant framework that accommodates diverse regulatory and cultural contexts.

### The Technological Frontier: From Theory to Practice

Another intriguing trend highlighted in this review is the integration of modern technologies like blockchain and Artificial Intelligence (AI) within Shariah audit frameworks.<sup>41</sup> The promise of blockchain to create transparent, immutable ledgers for managing public funds aligns with the fundamental Islamic economic principle of transparency and offers a direct solution to Agency Theory's concerns by providing stakeholders with access to verified data.

<sup>41</sup> Avci and Erzurumlu, "Blockchain Tokenization of Real Estate Investment a Security Token Offering Procedure and Legal Design Proposal"; Mohammad Alsaghir, "Digital Risks and Islamic FinTech a Road Map to Social Justice and Financial Inclusion," *Journal of Islamic Accounting and Business Research*, 2023, <https://doi.org/10.1108/JIABR-10-2022-0262>.

However, our analysis also adds nuance to the often overly optimistic discourse surrounding fintech. While the potential of blockchain and AI is widely discussed, empirical studies demonstrating their successful large-scale implementation within Shariah audit frameworks are scarce. The challenges go beyond technical hurdles; there are also conceptual issues. Developing Shariah-compliant smart contracts, ensuring data privacy in line with Islamic ethics, and upskilling Shariah auditors to work with these new technologies remain substantial obstacles. This review thus moves beyond simply recognizing the role of technology, offering a more critical examination of the gap between its theoretical promise and its practical, ethically-grounded implementation.

### Methodological Gaps and the Need for Rigorous Evidence

A critical observation is the methodological limitations within the field. While qualitative studies (55.8%) have contributed valuable conceptual frameworks and case studies (Ullah et al., 2016), the lack of mixed-methods research (4.7%) severely restricts the field's ability to validate qualitative insights with robust quantitative data.<sup>42</sup>

<sup>42</sup> Aslam and Haron, "Does Corporate Governance Affect the Performance of Islamic Banks New Insight into Islamic Countries";

Moreover, the reliance on secondary data raises concerns about the originality and depth of insights. To truly understand the on-the-ground challenges, it is imperative to gather primary data directly from auditors, regulators, and judges. This review reinforces earlier critiques of methodological narrowness, linking it directly to gaps in empirical studies and the lack of attention to new geographical contexts and technological adoption.

### Novelty and Contribution of This Systematic Review

This systematic review distinguishes itself from prior literature reviews by offering a unique and integrative approach. While previous studies have explored Shariah audit or transparency individually, this review stands out by explicitly incorporating the role of the Constitutional Court. By synthesizing research on auditing and judicial oversight, the review highlights how these two forces complement each other in safeguarding public funds. Additionally, it introduces theoretical triangulation by exploring the intersection of *Maqasid al-Shariah*, Agency Theory, and Institutional Theory, creating a cohesive and multifaceted framework that advances the understanding of Shariah audit practices.

Furthermore, the review critically assesses the role of technology, shedding light on significant practical and ethical gaps that have often been overlooked in the existing literature. It also identifies underexplored areas, both geographically and methodologically, providing a roadmap for future research. By going beyond merely summarizing past findings, this review opens new avenues for scholars to explore, thereby contributing fresh insights into the evolving field of Shariah auditing and transparency.

### Theoretical and Practical Implications

The discussion surrounding the intersection of *Maqasid al-Shariah*, Agency Theory, and Institutional

Theory reveals a compelling need for integrated frameworks that link these theories in a meaningful way. The potential synergy between these perspectives is remarkable and could pave the way for a more comprehensive understanding of how Shariah audits and judicial oversight work in tandem to safeguard public funds. The current theoretical models in this field appear fragmented, suggesting a significant research gap. Future studies should aim to test and refine these frameworks, making them more applicable to real-world contexts and offering deeper insights into their interrelations.

Moreover, there is a growing recognition that the theoretical lens needs to be expanded. For instance, introducing perspectives such as Stakeholder Theory could prove invaluable in shedding light on the diverse and often conflicting expectations placed on auditors and courts.<sup>43</sup> This could also complement Agency Theory, especially in understanding the dynamics between principal and agent in the context of Islamic financial institutions. Another intriguing avenue for future exploration lies in the Resource-Based View, which could be instrumental in analyzing the internal competencies such as auditor expertise and technological infrastructure that play a crucial role in the effectiveness of Shariah audits. Expanding the theoretical framework in these ways could lead to more nuanced and contextually rich research that truly reflects the complexities of Shariah audit systems.

On the practical side, the urgency for regulators and standard-setters to harmonize Shariah audit standards across borders cannot be overstated. With the growth of Islamic finance on a global scale, there is a pressing need for standards that are not only consistent but also flexible enough to accommodate regional differences. The current fragmentation of regulatory frameworks often leads to jurisdictional arbitrage, which undermines the transparency and accountability essential for maintaining public trust in Islamic finance. This gap presents a clear opportunity for regulators to establish robust, globally accepted standards that would help mitigate these risks.

Alqudah, Amran, and Hassan, "Factors Affecting the Internal Auditors Effectiveness in the Jordanian Public Sector."

<sup>43</sup> R E Freeman, *Strategic Management: A Stakeholder Approach*, Business and Public Policy Series (Pitman, 1984).

The role of constitutional courts in addressing public fund misuse in Muslim-majority countries also emerged as a critical point. Empowering courts with specialized knowledge in Islamic finance law is key to ensuring they can effectively handle cases that involve both legal and financial complexities. Without this specialized knowledge, courts may not be able to address such issues in a manner that aligns with Shariah principles, thereby risking both financial mismanagement and public distrust.

Lastly, the discussion highlighted the importance of collaboration among key stakeholders regulatory bodies, judicial authorities, and technology firms. Fostering partnerships between these groups could lead to the creation of more transparent, efficient, and accountable financial management systems. Policymakers must not only focus on improving regulatory frameworks but also invest in technological advancements, like blockchain, and human capital, such as training auditors in Shariah compliance. This dual focus on innovation and education would be instrumental in building public trust and enhancing the overall effectiveness of Shariah audits in the Islamic finance sector.

In conclusion, this systematic review illustrates that Shariah audit and transparency are evolving fields, increasingly focused on integrating ethical principles, judicial oversight, and innovative technology. However, challenges persist in terms of geographical myopia, methodological limitations, and a disconnect between technological potential and practical application. By synthesizing these findings and emphasizing the pivotal role of constitutional courts, this review provides a comprehensive roadmap for scholars and practitioners. It calls for more empirically rigorous, geographically diverse, and integrative research to ensure transparent, accountable, and ethical management of public funds in accordance with Islamic economic principles.

## Conclusion

This systematic review has charted the dynamic intellectual terrain of Shariah audit and

transparency, highlighting the critical, yet often overlooked, role of the Constitutional Court as a guarantor of public financial integrity. Our synthesis reveals that the field's evolution is characterized by a powerful, synergistic interplay: the ethical compass of Maqasid al-Shariah, the procedural rigor of audit mechanisms, and the transformative potential of judicial oversight. The audit function serves as the fact-finding engine, while a robust and independent Constitutional Court acts as the essential enforcement mechanism, ensuring that Islamic economic principles are legally operative.

Despite this theoretical promise, the research landscape remains fragmented, hampered by a narrow geographical focus, a reliance on qualitative studies that lack generalizable power, and a significant gap between the discourse on technology and its practical application. These limitations restrain the field's ability to formulate universally resonant policies.

To address these challenges and propel the field forward, future research should prioritize a few key avenues: large-N, cross-national comparative studies to quantify causal impacts; deeper doctrinal analysis of judicial rulings; and the development of pilot-tested frameworks for technologies like blockchain and AI. Embracing methodological pluralism and expanding the geographical scope of research will be crucial.

Ultimately, this review concludes that the quest for transparency is a multifaceted endeavor, weaving together ethical commitment, institutional strength, and technological innovation. By addressing the identified gaps, the academic community can provide the critical insights needed to transform governance and steadfastly uphold the public trust.

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