The book, Governance and Shariah Audit in Islamic Financial Institutions, is designed for students and professionals to gain a comprehensive understanding of governance and Shariah audits in Islamic financial institutions. It covers the theoretical and practical aspects of Shariah audits and governance, providing insights into the operational, managerial, and regulatory frameworks. The book is divided into several sections, each focusing on different aspects of Shariah governance and audit. It includes case studies, practical examples, and a glossary of terms to enhance the reader's learning experience. Whether you are a student or a professional, this book offers valuable insights into the world of Shariah governance and audit in Islamic financial institutions.
GOVERNANCE
AND
SHARIAH AUDIT
IN ISLAMIC FINANCIAL INSTITUTIONS
GOVERNANCE AND SHARIAH AUDIT IN ISLAMIC FINANCIAL INSTITUTIONS

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TABLE OF CONTENTS

LIST OF FIGURES 9
LIST OF TABLES 11
LIST OF ABBREVIATIONS 13
ABOUT THE AUTHORS 15
FOREWORD 17
PREFACE 19

CHAPTER 1 CORPORATE GOVERNANCE: ISLAMIC PERSPECTIVES 23
1.1 BACKGROUND 24
1.2 INTRODUCTION 24
1.3 SHAREHOLDER WEALTH 26
1.4 DIRECTORS’ RESPONSIBILITIES 27
1.5 CONCLUSION 34

CHAPTER 2 PRINCIPLES FOR SHARIAH COMPLIANCE 35
2.1 INTRODUCTION 36
2.2 FOUNDATIONS OF THE ISLAMIC TEACHINGS 36
2.3 PHILOSOPHIES OF ISLAMIC ECONOMICS 36
2.4 PRINCIPLES OF MUAMALAT 39
2.5 SOURCES OF SHARIAH RULINGS 42
2.6 MAIN RULES OF SHARIAH IN FIQH MUAMALAT 46
2.7 CONCLUSION 49

CHAPTER 3 SHARIAH GOVERNING BODIES AND GOVERNANCE GUIDELINES 51
3.1 INTRODUCTION 52
3.2 RELEVANT ACTS 52
3.3 NATIONAL COUNCIL FOR FATWA 53
3.4 BANK NEGARA MALAYSIA 54
3.5 SECURITIES COMMISSION 62
3.6 ISLAMIC FINANCIAL SERVICES BOARD (IFSB) 65
3.7 ACCOUNTING AND AUDITING ORGANISATION FOR ISLAMIC FINANCIAL INSTITUTIONS (AAOIFI) 72
3.8 CONCLUSION 77

CHAPTER 4 SHARIAH GOVERNANCE FRAMEWORK FOR ISLAMIC FINANCIAL INSTITUTIONS 79
4.1 INTRODUCTION 80
4.2 SHARIAH GOVERNANCE STRUCTURE 80
4.3 SHARIAH AUDIT FUNCTION 96
4.4 CONCLUSION 97

CHAPTER 5 SHARIAH COMMITTEE REPORT 99
5.1 INTRODUCTION 100
5.2 SHARIAH COMMITTEE 100
5.3 BANK NEGARA MALAYSIA GUIDELINES ON SHARIAH COMMITTEE REPORT 100
5.4 AAOIFI's GUIDELINES ON THE SHARIAH COMMITTEE REPORT 109
5.5 CONCLUSION 112

CHAPTER 6 RISK MANAGEMENT AND MITIGATION 113
6.1 INTRODUCTION 114
6.2 THREE LINES OF DEFENCE MODEL 114
6.3 RISK MANAGEMENT ACCORDING TO THE BNM SHARIAH GOVERNANCE FRAMEWORK FOR IFIs 117
6.4 RISK MANAGEMENT PROCESSES 118
6.5 THREE LINES OF DEFENCE MODEL FOR RISK MANAGEMENT IN IFIs 119
6.6 MAJOR RISKS INVOLVED IN THE MANAGEMENT OF IFIs 120
6.7 CONCLUSION 135

CHAPTER 7 SHARIAH REVIEW AND AUDIT 137
7.1 SHARIAH REVIEW 138
7.2 SHARIAH AUDIT 139
7.3 COMPARISON OF SHARIAH REVIEW AND SHARIAH AUDIT AS PER BNM SHARIAH GOVERNANCE FRAMEWORK 142
7.4 OVERVIEW OF INTERNAL SHARIAH AUDIT IN IFIs 143
7.5 THE NEEDS OF HAVING EXTERNAL SHARIAH AUDIT IN IFIs 154
7.6 CONCLUSION 156

CHAPTER 8 AUDIT PLANNING 159
8.1 INTRODUCTION 160
8.2 TERMS OF ENGAGEMENT 160
8.3 PRELIMINARY REVIEW 161
8.4 MATERIALITY AND RISK ASSESSMENT IN SHARIAH AUDIT PRACTICE 162
8.5 PLAN THE AUDIT 166
8.6 INTERNAL CONTROL FOR SHARIAH COMPLIANCE 167
LIST OF FIGURES

Figure 1.1: Stakeholder Theory Model 30
Figure 1.2: The Pyramid of Maslahah 31
Figure 2.1: The Interrelationship of Three Major Aspects of Islam 42
Figure 3.1: The two-tier Shariah governance of IFIs in Malaysia 55
Figure 4.1: BNM Shariah Governance Framework 81
Figure 4.2: Shariah Committee in the Governance Framework 82
Figure 4.3: Disclosure of Shariah Committee roles and organizational position in an IFI 90
Figure 4.4: Management’s position in the IFIs governance structure 91
Figure 4.5: Disclosure of Shariah risk management, review and audit in an IFI 95
Figure 4.6: Shariah Audit position in the IFIs 96
Figure 5.1: Shariah Committee Report as per GP8-i 102
Figure 5.2: Shariah Governance Framework sample format and content of SCR 104
Figure 5.3: Sample of a Full-Fledged Islamic Bank’s Shariah Committee Report 107
Figure 5.4: Sample of an Islamic Bank’s Shariah Committee Report 108
Figure 5.5: A sample of Shariah Supervisory Board Report as per AAOIFI’s standard 111
Figure 6.1: Lines of defense pyramid in IFIs 116
Figure 6.2: Stages in Three Line of Defense in IFIs 117
Figure 6.3: Interrelationship of Risk in IFIs 134
Figure 7.1: Shariah Review process 138
Figure 7.2: Objectives and Scope of Internal Audit 144
Figure 8.1: Audit process 160
Figure 8.2: Preliminary review on the overall operations of the IFIs 161
Figure 8.3: Materiality Indicator 165
Figure 8.4: Elements of Internal Control for Shariah compliance 170
Figure 8.5: Components of the Internal Control System 172
Figure 8.6: Framework for Audit Process 175
Figure 8.7: Sampling Methods 176
Figure 9.1: Shariah Audit scope 188
Figure 9.2: Audit Objectives Fulfillment of Compliance to Shariah Principles and Laws and Regulations 191
Figure 9.3: Central Shariah Issues in financial statements 192
Figure 9.4: Compliance audit scope 193
Figure 9.5: The adequacy of the Shariah Governance process 194
Figure 10.1: A sample of IFIs Statements of Financial Position 203
Figure 10.2: Notes number 16 – Deposits from customers 204
Figure 10.3: Statement of Comprehensive Income for an IFI 208
Figure 10.4: Example of Statement of Changes in Equity
Figure 10.5: Example of Statement of Cash Flow
Figure 10.6: Statement of Changes in Restricted Investment Accounts
Figure 10.7: Statement of Sources and Uses of Zakah and Charity Fund
Figure 10.8: Statement of Sources and Uses of Funds in Qard Fund
Figure 10.9: Statement of Financial Position of an Islamic Bank using AAOIFI’s standard
Figure 10.10: Statement of Income
Figure 10.11: Statement of Cash Flows
Figure 10.12: Statement of Changes in Equity
Figure 11.1: Example of Auditors’ Report of a local Islamic Bank in Malaysia
Figure 11.2: Example of Foreign Islamic Bank adopting International Financial Reporting Standard
Figure 11.3: Example of a foreign Islamic Bank that follows AAOIFI Standard
Figure 11.4: Types of Audit report
LIST OF TABLES

Table 2.1: Summary of Islamic Principles 38
Table 4.1: Duties, responsibilities and accountability of Shariah Committee 83
Table 4.2: Responsibilities and duties of Shariah Risk Management Control, Shariah Review and Shariah Research 93
Table 5.1: Differences in content and wording for scope paragraph for BNM SGF and AAOIFIs standard 110
Table 6.1: IFSB Principles in relation to Credit Risk 122
Table 6.2: IFSB Principles in relation to Investment Risk 125
Table 6.3: IFSB Principles in relation to Market Risk 127
Table 6.4: IFSB Principles in relation to Liquidity Risk 128
Table 6.5: IFSB Principles in relation to Rate of Return Risk 131
Table 6.6: IFSB Principles in relation to Operational Risk 132
Table 7.1: Differences between Shariah Review and Shariah Audit 142
Table 7.2: Differences between Statutory audit and Shariah audit 155
Table 8.1: Example of Shariah Audit Program on Compliance 177
Table 8.2: Example of Shariah Audit Program on Adequacy of Shariah Governance 180
Table 8.3: Example of Shariah Audit Program on Auditing Financial Statement of IFIs 182
Table 10.1: Comparison of terms used in GP8-i and BNM Circular 199
Table 10.2: Definition of Assets 200
Table 10.3: Definition of Liability 201
Table 10.4: Definition of Equity 202
Table 10.5: Definition of Income 205
Table 10.6: Definition of Expenses 206
Table 10.7: Components of the Statement of Cash Flow 210
Table 10.8: Statement of Changes in Restricted Investments 213
Table 10.9: Statement of Sources and Uses of Funds in Zakah and Charity Fund 214
Table 10.10: Statement of Sources and Uses of Funds in the Qard Fund 216
Table 10.11: Types of Investment Accounts according to AAOIFIs Accounting Standards 218
Table 11.1: Elements of Audit Report 227
Table 11.2: Differences between AAOIFI and BNM Audit report 229
Table 11.3: Differences between Shariah Committee Report and Independent Auditor’s Report 230
Table 11.4: Summary of the Types of Audit Report 237
**LIST OF ABBREVIATIONS**

AAOIFI  Accounting and Auditing Organisation of Islamic Financial Institutions  
AGC  Audit and Governance Committee  
ASIFI  Auditing Standards for Islamic Financial Institutions  
BAC  Board Audit Committee  
BIMB  Bank Islam Malaysia Berhad  
BNM  Bank Negara Malaysia  
BOD  Board of Directors  
CEO  Chief Executive Officer  
DCR  Displaced Commercial Risk  
GSIFI  Governance Standards for Islamic Financial Institutions  
IAH  Investment Account Holder  
ICM  Islamic Capital Market  
IFIs  Islamic Financial Institutions  
IFRS  International Financial Reporting Standards  
IFSB  Islamic Financial Services Board  
IIFS  Institutions offering only Islamic Financial Services excluding insurance institutions  
IRR  Internal Rate of Return  
ISCU  Internal Shariah Compliance Unit  
ISRU  Internal Shariah Review Unit  
MFRS  Malaysian Financial Reporting Standards  
OECD  Organisation for Economic Co-operation and Development  
PER  Profit Equalisation Reserve  
PLS  Profit and Loss Sharing  
PSIA  Profit Sharing Investment Account  
ROA  Return on Asset  
SA  Shariah Audit  
SAC  Shariah Advisory Council  
SC  Securities Commission  
SCI  Statement of Comprehensive Income  
SCR  Shariah Committee Report  
SFP  Statement of Financial Position  
SGF  Shariah Governance Framework  
ShC  Shariah Committee  
SOP  Statement of Principle  
SR  Shariah Review  
SSB  Shariah Supervisory Board  
SSBR  Shariah Supervisory Board Report  
SSC  Shariah Supervisory Council  
TR  Technical Release
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FOREWORD

Governance and Shariah Audit in Islamic Financial Institutions is written as a textbook for Final Year students of all programmes undertaking the course Al-Tadqiq Al-Shari’e (MGA3033). I would like to take this opportunity to congratulate the writers for their perseverance and persistent effort in completing this first edition of Governance and Shariah Audit module.

This textbook is the first one in Malaysia as the practice of Shariah audit is still new and evolving locally and even at the international level. It contains essential readings that cover the topic of governance and the process and practice of Shariah Audit in Islamic Financial Institutions (IFIs). This textbook is divided into five (5) parts, Corporate Governance, Shariah Governance, Risk Management, Shariah Audit and Review and lastly, Shariah Audit Processes.

This textbook does not only provide students with current knowledge of the local regulatory framework for Shariah governance, but also exposes students to the international standards and guidelines for comparison purposes. Practical examples of the IFIs’ application of the relevant standards and guidelines are also provided to students to have a better understanding on the topics discussed. This textbook also contains discussions on Bank Negara Malaysia’s latest guideline on Shariah Governance Framework for Islamic Financial Institutions that is effective for all IFIs in Malaysia to adopt by 1 January 2011.

It is hoped that this module would aid students in their quality learning effort towards successful preparation of their examination. As this textbook provides comprehensive knowledge in the area of Governance and Shariah Audit in IFIs, it will prepare the students as Shariah Auditors if they were to become one.

Good luck in your studies.

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PREFACE

This textbook is intended for final year students who have some background in the operations of Islamic Financial Institutions (IFIs). It is also helpful for other readers who wish to have a comprehensive understanding on the Shariah governance concept and structure as well as the processes involved in the Shariah Audit in IFIs. This textbook contains discussion on relevant standards and guidelines issued by local and international regulators/standard setters. Each chapter is written in a way that will assist students to have an overall picture of the governance structure as well as the Shariah Auditing processes even for beginners.

This book is divided into five sequential parts as follows:

PART 1: CORPORATE GOVERNANCE

Chapter 1: Corporate Governance: Islamic Perspectives introduces the students to the concept of corporate governance in general. Then, the chapter discusses on the Shareholder Theory and Stakeholder Theory giving emphasis from the Islamic perspectives.

PART 2: SHARIAH GOVERNANCE

Chapter 2: Principles for Shariah Compliance Guidelines explains the foundations of Islamic teaching and the philosophies of Islamic economy. Additionally, it also elaborates on general principles of Muamalat, among others is freedom, transactions without riba, good manners, justice and many more. This chapter also explains the primary and secondary sources of Shariah. Lastly, the chapter discusses the main rules of Shariah in Fiqh Muamalat.

Chapter 3: Shariah Governing Bodies and Governance highlights various local regulators whose responsibilities are to oversee the operations of Islamic financial institutions. It also discusses the relevant guidelines issued by regulators such as the Bank Negara Malaysia (BNM) and Securities Commission (SC). In addition, this chapter also provides a comparison between regulatory body and international standard setting body that issue standards in relation to governance, accountability and audit for IFIs such as International Financial Services Board (IFSB) and Accounting and Auditing Organisation for Islamic Financial Institutions (AAOIFI).

Chapter 4: Shariah Governance Framework for Islamic Financial Institutions provides an overview on important internal governance mechanisms such as Board of Directors, Shariah Committee, Management, Shariah Review, Shariah Audit and Shariah Research. This chapter highlights the line of reporting and the main responsibilities of the each of these internal mechanisms or organs in accordance to the Shariah Governance Framework of BNM.
Chapter 5: Shariah Committee Report outlines the main purpose and content of the Shariah Committee Report (SCR) in accordance to the BNM’s guideline. This chapter also provides comparison on the requirements of reporting by BNM against AAOIFI’s standard for such report. There is a move towards harmonization on the content of this report which assists stakeholders to have a better understanding on the Shariah compliance of IFIs.

PART 3: RISK MANAGEMENT IN ISLAMIC FINANCIAL INSTITUTIONS

Chapter 6: Risk Management and Mitigation gives an overview on the importance of risk management in IFIs. This chapter introduces the concept of three line of defense approach in risk management processes. The students will also be exposed to the different types of risk that is related to the management of IFIs and the risk management techniques to mitigate such risks that is based on the international guideline issued by IFSB.

PART 4: SHARIAH AUDIT AND REVIEW

Chapter 7: Shariah Review and Audit introduces the definitions, concepts and framework as outline in the AAOIFI, IFSB and Shariah Governance Framework (Bank Negara Malaysia, 2010). It provides understanding on the differences between Shariah Review and Shariah Audit. This chapter also highlights the area of responsibilities for internal auditors and external auditors in conducting Shariah audit.

PART 5: SHARIAH AUDIT PROCESSES

Chapter 8: Audit Planning provides the reader an overview of the overall processes in Shariah audit. This chapter also highlights the materiality indicator in Shariah audit practices. In addition, it also provides views on internal control for Shariah compliance in the IFIs. At the end of the chapter, samples of Shariah audit program are provided as a reference during conducting Shariah audit.

Chapter 9: Audit Scope provides the students the extended scope and components in Shariah audit practices. The scope identified is comprehensive and robust covering the overall operations of the IFIs. The scope covers wide areas other than stipulated in the Shariah Governance Framework (Bank Negara Malaysia, 2010). The extended scope of audit develops an insight into the overall processes in Shariah audit.

Chapter 10: Financial Reporting of Islamic Financial Institutions presents a simplified and straightforward explanation on the main financial reports that is included in the IFIs financial statements. The explanations are based on local accounting standards issued by Malaysian Accounting Standards Board and BNM’s guidelines. In addition, this chapter also compares the financial statement requirements and disclosures of international IFIs that follow AAOIFI’s financial accounting standards.
Chapter 11: Audit Report basically identifies the main purpose and content in the Audit report. It also provides comparison between the content of audit report required by BNM and AAOIFI. It also highlights the differences between Independent Auditors’ Report and Shariah Committee Report.
Learning Objectives

1. Discuss the importance of corporate governance in an organization.
2. Elaborate on the concept of shareholders’ wealth from the Islamic perspective.
3. Summarise the concept of directors’ responsibilities from the Islamic perspective.
1.1 BACKGROUND

Lately, directors’ responsibilities in protecting shareholders wealth have been given much attention in the corporate governance literature compared to two decades ago. This is mainly due to the increasing number of corporate failures worldwide and also in Malaysia. Factors linked to corporate failures include mismanagement, frauds, lack of accountability, transparency and unethical behaviour by the directors and managers. In this chapter, directors’ responsibilities to protect shareholders wealth are discussed in a wider perspective including perspectives from Islam. Policy makers, regulators, professional bodies and the government can use Islamic values that are enshrined in the Shariah to improve accountability, transparency and trustworthiness in company directors and managers. This chapter outlines the benefits to managers, shareholders and regulators if Islamic values and principles are made compulsory in the directors training programs. Conforming to Shariah and religious practices will ensure directors are trustworthy, accountable, responsible and ethical because they are not only responsible to the shareholders, but also to all stakeholders and above all, Allah (SWT).

1.2 INTRODUCTION

Directors’ knowledge and experience in managing the company’s financial affairs and protecting the shareholders wealth are essential for the success of a corporation. They are also expected to discharge their fiduciary duties and responsibilities according to the laws and regulations of Malaysia. It is one of the core elements of corporate governance enshrined in the Malaysian code of corporate governance. Corporate governance, on the other hand, has been defined in many ways. According to the International Finance Corporation (2005), corporate governance refers to the structures and processes for the direction and control of companies. Corporate governance concerns the relationships among the management, Board of Directors (BOD), controlling shareholders, minority shareholders and other stakeholders. The Organisation for Economic Co-operation and Development (OECD) defines it as the set of relationships between a company’s management, its board, its shareholders and other stakeholders.

The main objective of corporate governance is to ensure that the direction of the company is in line with its objectives and there is an element of control in the organization. For more than two decades, the importance of corporate governance has been published in many local and international journals. Its importance gained momentum after the Enron scandal in the USA. Following Enron, many other scandals in the USA and other countries, for example, Parmalat in Italy and Transmile Bhd. in Malaysia in 2007 were due to mismanagement and frauds committed by the managers, directors and even the external auditors. The global economic crisis which resulted from the USA’s banking woes in 2007, mismanagement and fraud and less government control has called for more ethical conduct and good corporate governance on the part of the
11.4 CONCLUSION

The ability to identify audit findings, communicate and determine the audit conclusions is one of the skills that add the most value to a management system audit. After the final conclusions have been drawn up, it is necessary to discuss audit follow-up activities if there is a Shariah nonconformity or Shariah noncompliance. For a third-party audit, which is the external audit, the follow-up might be the responsibility of the Shariah department or internal audit department and might not involve external auditors. For internal audits, the same auditor or an auditor from the same audit program department might conduct a follow-up audit to verify the Shariah non-compliance was corrected. Based on that it will reduce the risk of Shariah non-compliance operations in the IFIs and increase the reliance of the stakeholders on the performance and conformity to Shariah principles.

DISCUSSION QUESTIONS

1. State and discuss the main purpose and content of Audit Report.
2. Compare and contrast the content of audit report required by BNM and AAOIFI.
3. What are the types of audit opinion?
4. Differentiate between an Auditor Report and a Shariah Committee report.
5. What happens after the final conclusions have been drawn up by the auditors?
AAOIFI. 2010. Governance Standard for IFIs No. 5. Independence of Shariah Supervisory Board. Bahrain: AAOIFI.
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accountability, 13, 19, 24, 26-28, 32, 37, 52, 58, 59, 82, 83, 101, 145, 156, 160, 242
Analytical review, 161
audit objectives, 146, 149-152, 164, 175, 177, 180, 182, 189, 190, 191
Audit Program, 14, 143, 177, 180, 182, 188, 237, 242
Audit Report, 15, 18, 19, 71, 116, 147, 153-156, 167, 185, 225-229, 235, 236, 238, 243
Audit Sampling, 175
Corporate governance, 13, 24-26, 28-34, 57-60, 67, 68, 77, 88, 94, 100, 143, 156, 168, 174, 239-242
Credit Risk, 19, 166, 121-124, 134, 135
Fiqh, 5, 13, 42, 45, 46, 53, 62, 73, 86, 100, 109, 142, 145, 162, 180
Gharar, 36, 46-49, 63, 65, 165, 166, 189
Ijma’, 43
Internal Audit Guideline, 144
Internal Control, 6, 14, 17, 26, 74, 75, 96, 97, 114, 120, 145, 148, 149, 151, 153-155, 164, 167-174, 177, 178, 185, 188, 141, 142, 242
Investment Risk, 19, 121, 124, 125, 131, 135
Istihsan, 44
Istishab, 44, 46
Liquidity Risk, 121, 127-129, 134, 135
Market Risk, 19, 121, 126, 127, 131, 135
Masalih Mursalah, 44, 45, 49
maslahah, 30, 31, 45, 63
materiality, 6, 14, 17, 159, 162, 163, 164, 165, 167, 185
Maysir, 36, 46-49, 166, 189
Muamalat, 13, 35, 36, 40, 42, 46, 48, 49, 53, 62, 73, 86, 100, 109, 142, 145, 146, 162, 189, 239
Operational Risk, 19, 114, 115, 120, 121, 132, 135, 173
Qiyas, 43, 44, 49
Qur’an, 32, 43, 47, 48, 153, 239
Rate of Return Risk, 121, 130, 131, 135
Riba, 13, 36, 38-40, 46, 47, 49, 63-65
shareholder theory, 13, 26, 29
Shariah Advisory Council, 52, 54, 57, 58, 62, 77, 105, 149, 171, 190, 240
Shariah Governance Framework, 13, 14, 51, 57, 60, 61, 77, 79, 80, 81, 97, 100, 101, 103, 104, 117, 119, 138, 141-143, 155, 168, 177, 188, 195, 230, 240
Shariah law, 27, 28, 34, 54, 189, 226
Shariah Risk, 17, 19, 61, 81, 92-95, 97, 117-119, 135, 141, 162, 163, 167, 185, 244
Shariah Supervisory Board, 54, 60, 61, 72, 73, 76, 77, 109, 110, 111, 140, 239
Stakeholder Theory, 13, 17, 29, 30, 240, 241
Statement of Cash Flow, 199, 210, 212, 213, 221, 222
Statement of Changes in Equity, 18, 197, 199, 208, 209, 221, 223
Statement of Changes in Restricted Investments, 19, 213, 218, 219
Statement of Comprehensive Income, 17, 21, 197, 199, 205, 207, 208, 221
Statement of Financial Position, 18, 21, 197, 199, 202, 213, 218, 219, 220
Statement of Sources and Uses of Funds in the Qard Fund, 213, 216
Statement of Sources and Uses of Funds in Zakah and Charity Fund, 213, 214
Sunnah, 43, 45, 46, 53, 153
transparency, 24, 26, 27, 32, 58, 59, 67, 70, 75, 126, 153, 156, 157, 136, 242
Urf, 45
This textbook is designed to give a basic understanding of Shariah governance structure and Shariah Audit in Islamic financial institutions (IFIs). The practice of Shariah Audit is still new and evolving locally and more so at the international level. This book contains topics such as corporate governance from the Islamic perspectives before elaborating further on the concept of Shariah governance structure in Islamic financial institutions. It also discusses the importance of risk management in IFIs. Later chapters elaborate on concepts and provide analysis on significant differences between Shariah Audit and Shariah Review. A number of chapters are dedicated to provide an overview of the Shariah Audit processes, which covers audit planning, audit scope and the audit report. This textbook not only provides students with current knowledge of the local regulatory framework for Shariah governance, but also exposes students to the international standards and guidelines for comparison purposes. Practical examples of the IFIs' application of the relevant standards and guidelines are also provided to students to have a better understanding on the topics discussed. All lecturers and students of Islamic banking, finance, accounting and auditing will find this book very useful.