

## **INTERNAL AUDIT WORK UNIT STRATEGY IN SUPERVISING SHARIA COMPLIANCE IN SHARIA BANKING**

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### **ABSTRACT**

This research aims to identify the strategy of the internal audit function carried out by Satuan Kerja Audit Internal (SKAI) in implementing sharia compliance supervision at Bank X. Qualitative research with a case study approach was used in this research to reach the research objective. Furthermore, research data was collected using semi-structured interviews and documentation technique. The research results found that the Satuan Kerja Audit Internal (SKAI) and the Sharia Supervisory Board (SSB) carried out sharia combined assurance as a strategy in monitoring sharia compliance. The limited competence of SKAI internal auditors is overcome by the sharia competence of SSB. This research encourages internal auditors to continue developing their competencies in accordance with the scope of their internal audit activities. This research also encourages regulators to facilitate internal auditors with sharia competency certification to support their position and role on sharia compliance supervision in sharia banking.

**Keywords:** Internal Audit Function, Sharia Compliance Monitoring, Role Theory, Sharia Auditor Competency

### **INTRODUCTION**

Sharia banking has become the fastest growing islamic finance sector in the last two decades (Pratami et al., 2022). In 2017, the total assets owned by global sharia banking accounted for 71% of the total assets of all sectors in global Islamic finance or a total of 1.7 million trillion US dollars (Reuters, 2018). This number continues to grow according to the latest report published by the Islamic Corporation for the Development of the Private Sector (ICD). The last report published in 2022 recorded a total global sharia banking asset of 2.8 million trillion US dollars (Refinitiv, 2022). Based on FSA (Financial Services Authority) statistical data, there is an increase in the number of assets in Sharia Commercial Banks and from Sharia Business Units. In 2018, Indonesia's total sharia banking assets amounted to 477,327 billion rupiah, then in the latest data in 2022 the total assets were 816,448 billion rupiah.

The increase in the total number of sharia banking assets both nationally and globally shows that sharia banking has achieved an increase in financial performance (Chowdhury and Rasid 2016; Mukhibad and Khafid 2018; Mursyif et al. 2021). The increase in financial work needs to be followed by an improvement in service quality. One of the indicators of the quality of sharia bank services is sharia compliance (Aisyah 2018; Asnawi et al. 2019; Ahmed et al. 2021). Service quality is an indicator of customer satisfaction (Janahi and Al Mubarak 2017; Aisyah 2018; Asnawi et al. 2019). If concluded, sharia compliance is indirectly an indicator of customer satisfaction. This empirical data is proof that sharia banking needs to improve sharia compliance if sharia banks are customer-oriented.

Several previous research journals have shown that sharia banking faces public skepticism towards the level of sharia compliance in sharia banking (Wulandari and Subagio 2015; Hosen et al. 2019, Arwani 2018; Fauzi and Suryani 2018). The public considers that sharia banks in Indonesia are no different from conventional banks (Aisyah 2018; Hosen et al. 2019). In the midst of the issue of public trust in the sharia compliance of sharia banks, Sharia banking in Indonesia is still facing cases of fraud or fraud. From 2012 to 2021 there

were more than 5 sharia banks involved in irregularities and violations of sharia principles that caused significant financial risks. From the approach to the concept of maslahah in sharia, these fraud cases are detrimental to stakeholders.

Sharia compliance or sharia compliance are the main characteristic that must be considered by Islamic Financial Institutions (IFI) including sharia banks (Imam and Kpodar 2013; Lone 2016; Nugroho 2021). Failure to comply with sharia rules can cause IFI to face high financial risks due to the invalidity of transactions (Lahsasna 2014). The Islamic Financial Services Board (2005) stated that compliance with sharia is considered to be in a higher priority category compared to other risks identified. If IFI do not comply with sharia rules and principles, their transactions must be cancelled and the income generated from them will be considered invalid (Islamic Financial Services Board 2005).

Evidence that sharia banks pay attention to sharia compliance is with good corporate governance (GCG) (Alnasser and Muhammed 2012; Rini 2019; Puspitasari and Handayani 2020). Based on FSA data, the number of bank X customers is the largest, 19.65 million people. As the bank with the largest number of customers, Bank X has a greater moral responsibility to fulfill sharia principles in order to maintain its commitment on sharia compliance. By reading good corporate governance (GCG) report 2022 of Bank X, researcher found out the contradictive fact that Bank X said that there are still cases of fundraising and/or fund distribution activities that are not in accordance with sharia principles. This statement raises questions about how Bank X's governance is implemented regarding its sharia compliance supervision.

Based on Bank Indonesia Regulation No. 11/33/Year 2009 concerning the Implementation of Good Corporate Governance for Sharia Commercial Banks and Sharia Business Units Article 47, in corporate governance, the Sharia Supervisory Board (SSB) is responsible for supervising bank activities in accordance with sharia principles or to meet sharia compliance. In carrying out its supervisory duties and responsibilities, the Sharia Supervisory Board is assisted and supported by the bank's work unit. This statement is in accordance with Bank Indonesia Regulation No.11/33/Year 2009 Article 47 paragraph (2). In previous research, the Sharia Supervisory Board delegated the task of supervising sharia compliance with the internal audit function and compliance function (Nugraheni 2017; Violita and Handarbeni 2017; Arrazi 2021). By its curative nature, the internal audit function is responsible for checking and evaluating sharia compliance through the implementation of the audit process. The findings of the internal audit will be material for the compliance function in conducting sharia reviews (Violita and Handarbeni 2017; Puspitasari and Handayani 2020; Arrazi 2021).

This research will focus more on the strategy of the internal audit function in the supervision of sharia compliance. Referring to Bank Indonesia Regulation No. 11/33/Year 2009 Article 53, the internal audit function is an independent organ that oversees the implementation of the duties of all bank work units, including its implementation of the fulfillment of sharia principles. According to Financial Services Authority Regulation No. 1/POJK.03/Year 2019, the internal audit function is carried out by the Satuan Kerja Audit Internal (SKAI). The Satuan Kerja Audit Internal conducts supervision through internal audit activities on an ongoing basis. Sharia compliance is part of the scope of the internal audit activity.

The thing that is in contrast is that the urgency of the internal audit function in supervising sharia compliance has not been supported by adequate auditor competence. Auditors who supervise sharia compliance have limited competence in the sharia field (Violita and Handarbeni 2017), even though the competence of auditors in the sharia field is a characteristic that must be met by SKAI to be able to supervise sharia compliance (Puspitasari and Handayani 2020; Jusri and Maulidha 2020). Based on the analysis conducted by Violita and Handarbeni (2017), it is known that the limited competence of

auditors in the field of sharia poses a risk of SKAI's limitations in identifying the findings of sharia non-compliance risks.

The researcher found that there was an issue of auditor competence in the sharia sector that occurred in Bank X. SKAI Bank X auditors do not yet have competency certification in the field of sharia. SKAI Bank X auditors only have certifications related to accounting, auditing, management, and other fields except sharia. This issue can be read from Bank X's 2022 annual report. The absence of the competence of SKAI auditors in the field of sharia strengthens the perspective that sharia compliance supervision at Bank X needs to be further explored, especially the role of SKAI as an internal audit function involved in sharia compliance supervision.

Research Birton dkk. (2022) reinforcing the research of Nugraheni (2017) and Violita Handarbeni (2017) by writing that the audit function Internal is involved in fulfilling compliance with sharia principles in sharia banks. Birton's (2022) research is limited to the disclosure of internal audits reported in the GCG report of sharia banks. Birton's (2022) research complements the research Rito and Azzahra (2018) which also identifies the role of the internal audit function in governance through GCG reports. Research Arrazi (2021) who assessed the suitability of practices with the guidelines of the sharia compliance unit and internal audit in supervising sharia compliance, conducted his research at Bank Muamalat Indonesia. Based on the limitations of previous research and the issues faced by Bank X, the current study will explore the strategy of the Satuan Kerja Audit Internal (SKAI) on supervising the sharia compliance in sharia bank.

## THEORETICAL BACKGROUND AND LITERATURE REVIEW

### Role Theory

Role theory is used as the basis for current research. Role theory is a theory which explains how individuals as part of society behave in accordance with their position in the social sphere (Katz and Kahn 1978). In their writings, Katz and Kahn (1978) also mentioned that role theory explains how an individual is referred to as focal person holding a role or carrying a role. In holding his role, focal person will be involved with factors that will influence him in interpreting the accepted role and his behavior in carrying out the role. Other research (House and Rizzo 1972) mentioned that in the process of acceptance to the implementation of the role, there may be a role conflict involving focal person and role transmitters. Kahn et al. (1964) explained that to overcome these role conflicts, an effort called coping strategy.

### Sharia Compliance

Sharia compliance means complying with sharia principles. The sharia principles in question are starting from Islamic economics and social welfare (Chapra 1979; Everything is DKK. 2021) until *Fiqh Muamalah* which prohibits *riba*, *maysir*, and *gharar* (Amaroh 2016; Alam et al. 2017). These sharia principles must be fundamental to the running of both business activities and operational activities of sharia banks.

Sharia compliance ensures the reliability of Sharia banks and stimulates stakeholder trust many customers are interested in sharia banking services solely because of their religious beliefs (Okumuş 2015). Customers don't care about profitability, but they care about the bank's sharia compliance and service quality (Ongera and Ndede 2019) In fact, customer perception decreases when banks do not comply with sharia principles (Suhartant DKK. 2019).

### Risk of Shariah Non-Compliance

One of the unique operational risks of sharia banks is the risk of sharia non-compliance. Risk of losses arising from the failure of sharia banks to comply with sharia rules and principles determined by the sharia council or related bodies in the jurisdiction in which the

sharia bank operates (Islamic Financial Services Board (IFSB) 2009). Karim and Archer (2013) defined it as "the risk of non-compliance due to the failure of the internal system and personnel of sharia banks". Ginena (2014) chose to define the risk of sharia non-compliance, a form of operational risk, as the risk of financial losses that LKS may experience as a result of non-compliance with sharia rules in activities, as confirmed by SSB, the relevant authority in the relevant jurisdiction.

The impact that occurs if sharia banks are involved with the risk of sharia non-compliance will also be involved in legal risks. The Basel Committee on Banking Supervision (2005) defines legal risk as "the risk of legal or regulatory sanctions, material financial losses, or loss of reputation that a bank may suffer as a result of its failure to comply with laws and regulations, rules developed by the bank itself". These self-developed regulations are for example FSA regulations and codes of ethics that apply to other banking activities. Legal risks that can occur as a result of the risk of sharia non-compliance, for example when linked to the Trade Law (Bhatti 2020). In addition to legal risks, sharia banks will also be involved with reputational risks. sharia banks can lose their credibility due to sharia compliance in their activities. Reputational risks resulting from violations of sharia, or poor conversations about them, can lead to losses to depositors and other stakeholders affecting the bank's market position, liquidity, and profitability (Islamic Financial Services Board (IFSB) 2005).

#### **Internal Audit Functions: Definition, Nature, and Activities**

According to the Internal Audit Professional Practice Standards, the type of services provided by internal audit is assurance and services consulting. Whatever form of work is done by internal audit, everything must be done objectively and independently. Based on the Standards of Professional Practice for Internal Auditing, internal audit activities are said to be effective if the internal audit is able to achieve the objectives and responsibilities in accordance with the internal audit charter that has been prepared, and in accordance with other internal audit guidelines or standards, if each individual in the internal audit is able to demonstrate its compliance with the Code of Ethics and Standards, and if the internal audit is able to consider matters that may affect the organization, like Trend or other problems. More than just being effective, internal audits are developed to be able to provide added value for the company or organization and stakeholders (Winner dan Skærbæk 2014; Abuazza dkk. 2015; D'Onza dkk. 2015). In a "risk-mature" organization, it is possible to create more value by focusing on roles assurance performed by the internal audit function, whereas in the early stages of risk management, the focus is on the role of consulting Allows auditors to add more value (Kiral dan Karabacak 2020).

#### **Internal Audit Function in Sharia banks: Position and Differences in Duties with Internal Audit Functions in Conventional Banks**

Based on Bank Indonesia Regulation No.11/33/Year 2009 concerning the Implementation of Good Corporate Governance for Islamic commercial banks and Islamic business units, the internal audit function is responsible to the board of directors or president director. The report on the results of the internal audit will be submitted to several governance organs, such as the Sharia Supervisory Board, the board of commissioners, and the audit committee. The internal audit function is also responsible for reporting the results of its internal audit related to the implementation of the fulfillment of sharia principles to the Sharia Supervisory Board (SSB).

#### **Internal Audit Functions: Authority, Responsibilities, Scope, and Audit Plan**

The authority of SKAI based on OJK Regulation No.1/POJK.03/Year 2019, at least SKAI can access all relevant information directly about the bank related to the implementation of SKAI's duties and functions, communicate directly with the company's organs, such as the president director, the board of commissioners, the audit committee, and the Sharia Supervisory Board, hold meetings both regularly and incidentally with the four organs of the company, coordinate with external auditors, and participate in strategic meetings. The

main duties of SKAI include at least 4 tasks, namely assisting the duties of the president director and the board of commissioners regarding bank supervision through planning, implementation, and monitoring of audit results, assisting in analysis and assessment in the financial, operational, and other activities, identifying matters needed to improve and improve the efficiency of resources and funds, and providing recommendations for improvement and objective information.

The scope of internal audit activities or SKAI work, which is related to the examination and evaluation of bank activities which includes, first, the effectiveness, efficiency, and adequacy of the internal control system, risk management, and governance. Previous research has shown that if there is a weakness in internal control, then an effective internal audit can proxy this (Oussii and Boulila 2018) and services assurance done by internal audits can create more value in organizations that have a good level of risk management (Kiral dan Karabacak 2020). The second is about reliability, effectiveness, process integrity and information management systems.

## METHODS

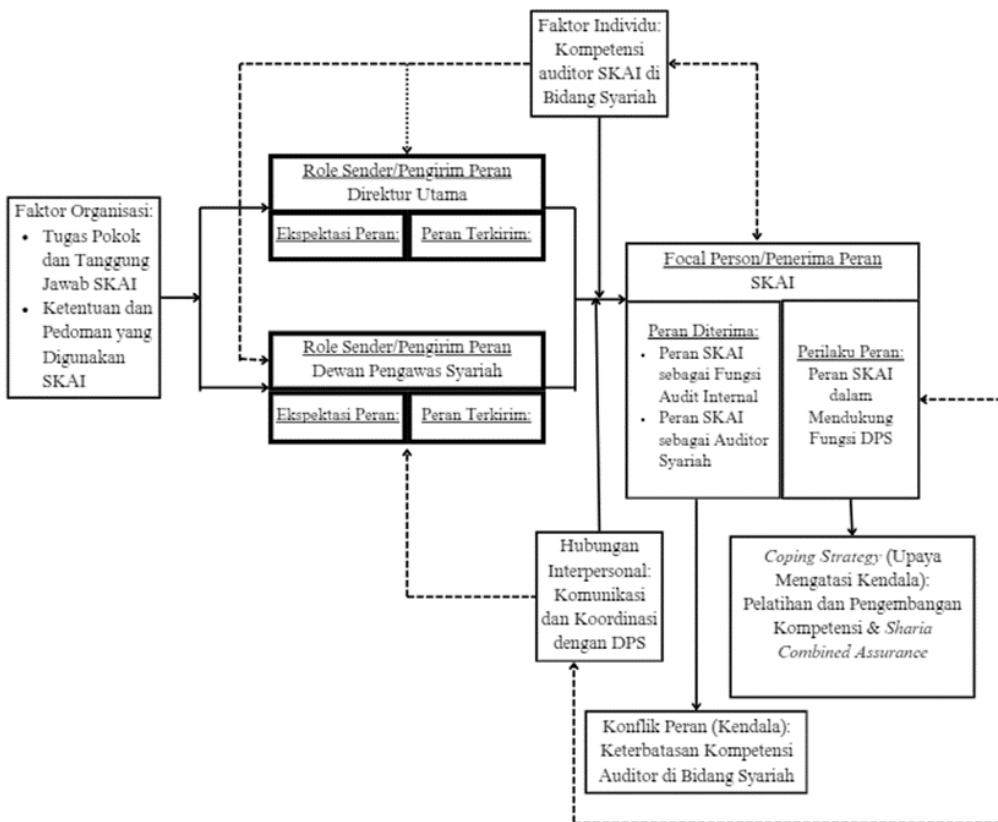
The current research uses a qualitative method with a case study approach. The case study approach is used to explore the phenomenon in depth. The case study raised in this study is the risk of sharia non-compliance that occurs in the governance of Bank X. The data was collected through interviews with 6 members of the Satuan Kerja Audit Internal and through document analysis from Bank Indonesia Regulation Number 11/33/Year 2009, OJK Regulation 1/POJK 03/Year 2019, Bank X Internal Audit Charter, GCG Report 2022, and Professional Standards for Internal Audit Practices. The data were analyzed using thematic methods by identifying, analyzing, and reporting data theme patterns (Maguire and Delahunt 2017; Castleberry and Nolen 2018). The validity of the data is tested through the steps face validity and content validity. Data triangulation and member checking It is also done to add to the justification of the validity of the data collected.

## RESULTS

### SKAI Role Analysis Using Role Theory

Role theory is used as a basis for analyzing the data obtained and answering the research objectives. There are 2 important elements of role theory that are key in the data analysis of this study, namely role sender or role sender and focal person or role receiver. Discussing the role of sharia compliance supervision carried out by the Satuan Kerja Audit Internal, there are 2 role senders or role senders identified through document analysis, namely the President Director and the Sharia Supervisory Board. In the implementation of corporate governance, the Sharia Supervisory Board (SSB) is responsible for supervising the activities of sharia banks towards the fulfillment of sharia principles.

The Satuan Kerja Audit Internal (SKAI) accepts the role as an internal audit function and also as a supporter of the function of the Sharia Supervisory Board (SSB). Through the activities of its internal audit function, SKAI is tasked with collecting evidence on the fulfillment of sharia principles carried out by Bank X in its operational activities.



**Figure 1. Analysis Model using Role Theory**

The evidence collected by SKAI is considered by SSB in assessing the quality of the implementation of the fulfillment of bank sharia principles. The Satuan Kerja Audit Internal which plays a role in deepening and further evaluating the findings on the sharia aspect of the sampling test that has been carried out by the SSB.

"So later SSB will provide this input before we prepare the AAP (Annual Audit Plan). So later SSB recommends that 'this is the way it turns out that in Bank X there are still many sharia aspects that are violated related to ABCD'." (AI 2.12)

"Because SSB also has a picking test mechanism as well, separately through compliance friends. Now from there, SSB has risks that want to be communicated to SKAI, who knows if SKAI can deepen there." (AI 1.8)

The conflict is that the Satuan Kerja Audit Internal (SKAI) faces obstacles in the implementation of its role due to the limitations of internal auditors who have competence in the sharia field.

"Limited understanding and skills regarding sharia aspects, where not all auditors have a deep understanding of sharia principles or aspects." (AI 3.8)

"The competence of our auditors in the field of sharia is currently still lacking." (AI 1.14)

### **Satuan Kerja Audit Internal Strategy on Sharia Compliance Supervision**

The discussion of role behavior gave rise to the term coping strategy. According to Kahn et al. (1964), coping strategy is considered a response carried out by the focal person or role recipient in overcoming role conflicts or even role ambiguity. Kahn et al. (1964) wrote that any response pattern taken by the role recipient can be considered as an effort to achieve or obtain satisfaction in the situation of role implementation. Adapting from the types of coping strategies developed by Hall (1972), researchers found that the coping

strategy carried out by SKAI is the negotiation type. From the conflicts or role constraints faced by SKAI regarding the limited number of internal auditors with sufficient competence in the sharia field, the results of the analysis show that the negotiations carried out by SKAI are the receipt of assistance and moral support from the president director and SSB as the role sender. In accordance with the results of the analysis, the form of receiving assistance and moral support is training and competency development that must be followed by SKAI and sharia combined assurance which is carried out jointly by SKAI and SSB. The training and competency development received by SKAI is said to be a participant in the interviews that have been conducted and the participant's statement is in accordance with what is written in Bank X's annual report.

"In general, all auditors have received training in the form of training/training on the basics of sharia banking when joining the Satuan Kerja Audit Internal." (AI 3.7)

"Once a year, yes, if you haven't gotten it at all, there is one. Keep updating on this training issue, there are various things, it depends on what our facilitator wants to do, but the theme must have sharia." (AI 4.14)

"So every year we always have a sharia refreshment, so basic, intermediate, or even advanced level, ma'am. It is in accordance with the level of position or the level of need." (AI 6.11)

In addition to training and competency development, sharia combined assurance is also mentioned as a step by SKAI to try to suffice its analysis on the fulfillment of bank sharia principles.

"We can also conduct an audit together or combined assurance with SSB in this case represented by sharia compliance Later we can collaborate there." (AI 1.13)

"We can also do combined assurance with them, SSB, sharia compliance." (AI 6.14)

## CONCLUSION

Based on the results of the analysis carried out, this study found that the role of SKAI or the internal audit function in sharia compliance supervision is as a sharia auditor and an internal auditor. This role is carried out in order to support the function of the Sharia Supervisory Board (SSB). The role of the sharia auditor is carried out by SKAI in conjunction with the implementation of the role of SKAI as an internal audit function that carries out internal audit activities. In carrying out its role in monitoring sharia compliance, SKAI encounters a role conflict which subsequently becomes an obstacle as well as a challenge for SKAI. The role conflict is overload due to the limited competence of SKAI auditors in the sharia sector. The Satuan Kerja Audit Internal conducts coping strategies for these conflicts through the type of negotiation (Hall 1972). The coping strategy is in the form of SKAI's participation in training and competency development and the existence of sharia combined assurance with SSB. The implementation of sharia combined assurance is carried out between SKAI and SSB. In practice, the implementation of sharia combined assurance creates a new conflict, namely about the independence and objectivity of SKAI's role as an internal audit function. This conflict occurred because it turned out that the main role conflict that was found had not been really resolved properly so that the impact actually affected the coping strategy that SKAI had tried to do. In this study, the researcher did not conduct pilot testing. To reduce the impact of the absence of pilot testing, researchers conducted face validity and content validity. This study has not conducted cross-interviews with the parties who send roles or role senders, namely the President Director and the Sharia Supervisory Board (SSB). Finally, this research is limited to the topic and purpose of the research, which is to explore the role of the Satuan Kerja Audit Internal (SKAI), so that several topics such as further exploration of sharia combined assurance and the assessment of the adequacy of the strategy carried out by SKAI on the implementation of the role of sharia compliance supervision.

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