RIBAB: Review of Islamic Business Arbitration
ISSN(Online): XXXX-XXXX
Vol 1 No 1 (2026): May 2026
https://journal.eduglobal.ac.id/index.php/ribab/index
Email: ribabeditor@gmail.com

Strengthening Sharia Governance In Islamic Commercial Arbitration For Sustainable Islamic Finance

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Abstract: *The growth of Islamic finance has increased the importance of dispute resolution mechanisms that align with sharia principles and contemporary commercial practices. Islamic commercial arbitration plays a strategic role in resolving disputes arising from sharia-based financial transactions while maintaining compliance with Islamic legal norms. Strengthening sharia governance within arbitration institutions is essential to ensure credibility, transparency, and sustainability in the Islamic financial system. This study examines the role of sharia governance in Islamic commercial arbitration and its contribution to the sustainability of Islamic finance. The research applies a qualitative normative approach using literature analysis of Islamic legal principles, arbitration regulations, and governance frameworks in Islamic financial institutions. The findings indicate that effective sharia governance in arbitration depends on the integration of qualified sharia supervisory mechanisms, clear procedural standards, and institutional accountability. A strong governance structure supports fairness, enhances trust among stakeholders, and ensures that dispute resolution processes remain consistent with maqasid al-sharia. Islamic commercial arbitration that operates within a robust governance framework contributes to the stability and long-term sustainability of the Islamic financial industry. The study highlights the importance of institutional reforms, professional competence, and regulatory alignment in strengthening sharia governance for arbitration institutions.*
Keywords*: Strengthening, Commercia, Arbitration, Islamic Finance, Governance.*

INTRODUCTION

Islamic finance has developed into a significant component of the global financial system over the past few decades. The expansion of Islamic banking, capital markets, and financial services demonstrates the increasing global demand for financial systems that comply with Islamic ethical and legal principles. Financial products based on sharia principles operate within a normative framework that emphasizes justice, transparency, accountability, and ethical economic activity. Islamic finance prohibits exploitative practices such as riba (interest), gharar (excessive uncertainty), and maysir (gambling), while encouraging risk sharing and fairness in economic transactions (Iqbal & Mirakhor, 2011; Hasan & Dridi, 2011). These principles shape contractual arrangements in Islamic financial institutions and distinguish Islamic finance from conventional financial systems.

Islamic financial transactions rely on contractual structures derived from classical Islamic jurisprudence and adapted to contemporary financial practices. Contracts such as *mudarabah*, *murabaha*, *musharakah*, and *ijara* are widely used to facilitate financing, investment, and trade activities in Islamic financial institutions. These contracts create legal relationships between parties and define rights, obligations, and risk-sharing mechanisms. Despite the ethical orientation embedded in Islamic financial contracts, disputes may arise due to differences in contractual interpretation, implementation challenges, or disagreements between contracting parties (Ayub, 2007). Such disputes highlight the importance of reliable dispute resolution mechanisms that can ensure legal certainty while preserving the integrity of sharia-based transactions.

Islamic commercial arbitration has emerged as a preferred mechanism for resolving disputes within the Islamic financial sector. Arbitration offers procedural flexibility, confidentiality, and efficiency in comparison with traditional court litigation. Arbitration also enables the appointment of arbitrators who possess specialized expertise in commercial law and Islamic jurisprudence. This expertise allows arbitration institutions to resolve disputes in a manner that respects both legal standards and the ethical values embedded in Islamic law (Blackaby et al., 2015; Bälz, 2010). The involvement of experts in Islamic law helps ensure that arbitration decisions remain consistent with sharia principles while addressing the technical complexity of financial disputes.

The increasing sophistication of Islamic financial products and cross-border financial transactions has intensified the need for stronger governance structures within arbitration institutions. Sharia governance refers to the institutional framework designed to ensure that financial activities comply with Islamic legal principles. Governance mechanisms often include sharia supervisory boards, compliance procedures, internal controls, and regulatory oversight that guide financial institutions in implementing sharia-compliant practices (IFSB, 2009; Grassa, 2015). In the context of dispute resolution, arbitration institutions handling Islamic commercial disputes must demonstrate governance structures that integrate sharia supervision, legal expertise, and institutional accountability.

Weak governance within arbitration frameworks may create inconsistencies in the interpretation and application of sharia principles. Differences in jurisprudential interpretation, variations in regulatory frameworks, and the absence of standardized governance mechanisms may reduce confidence among investors, financial institutions, and regulators. The credibility of Islamic financial institutions depends not only on the design of financial products but also on the assurance that disputes are resolved in accordance with Islamic legal and ethical values (Chapra & Ahmed, 2002; Hamza, 2013). Strengthening governance structures within arbitration institutions is therefore essential for maintaining the legitimacy and reliability of Islamic financial dispute resolution mechanisms.

Sharia governance also plays an important role in supporting the broader concept of sustainable Islamic finance. Sustainability within Islamic finance is closely linked to the objectives of *maqasid al-sharia*, which emphasize justice, social welfare, transparency, and the protection of wealth. Dispute resolution mechanisms that operate within a strong governance framework help ensure fairness and accountability in financial transactions, thereby contributing to the long-term stability of Islamic financial institutions (Dusuki & Bouheraoua, 2011). Effective arbitration systems that integrate sharia governance principles can enhance stakeholder confidence and support the sustainable development of Islamic financial markets.

This study explores the role of sharia governance in Islamic commercial arbitration and its contribution to sustainable Islamic finance. The analysis focuses on governance mechanisms, institutional structures, and regulatory alignment that support effective dispute resolution in Islamic financial transactions. By examining the relationship between governance frameworks and arbitration practices, this study aims to provide insights into how arbitration institutions can strengthen their role in maintaining the integrity, credibility, and sustainability of the Islamic financial system.

METHOD

This study employs a qualitative normative research design to examine the role of sharia governance in Islamic commercial arbitration and its implications for sustainable Islamic finance. Normative legal research focuses on the analysis of legal principles, regulatory frameworks, and

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conceptual foundations within legal systems. This approach is commonly used in legal scholarship to explore the relationship between legal norms, governance structures, and institutional practices. A qualitative approach enables a deeper understanding of how governance principles are interpreted and applied in arbitration institutions handling Islamic financial disputes (Hutchinson & Duncan, 2012).

The research relies primarily on secondary data sources. These sources include academic literature, regulatory frameworks, arbitration rules, and institutional governance guidelines related to Islamic finance and dispute resolution. Documentary sources play an important role in qualitative legal research because they provide insights into legal reasoning, policy development, and institutional arrangements within specific legal contexts. Through the examination of regulatory documents and scholarly discussions, the study explores how governance mechanisms influence the implementation of sharia compliance in arbitration institutions (Bowen, 2009).

Data collection is conducted through a systematic literature review and document analysis. The literature review focuses on scholarly publications discussing Islamic finance, arbitration law, and sharia governance systems. The analysis includes studies addressing the structure of governance in Islamic financial institutions and the role of supervisory mechanisms in ensuring sharia compliance. Classical Islamic legal principles related to dispute settlement are also examined to understand the historical foundations of arbitration in Islamic legal tradition. Concepts such as *tahkim* (arbitration) and *sulh* (amicable settlement) illustrate how dispute resolution mechanisms have historically functioned within Islamic jurisprudence. Contemporary governance standards applied in Islamic financial institutions are also reviewed in order to understand how institutional frameworks support sharia-compliant financial practices (Grassa, 2015).

Document analysis is used to evaluate governance structures and arbitration procedures applied within Islamic financial dispute resolution. This method provides systematic techniques for reviewing written materials and identifying patterns within regulatory frameworks and institutional policies. Document analysis enables researchers to interpret legal texts and governance guidelines in order to understand their practical implications within arbitration institutions (Bowen, 2009).

The analytical process employs thematic analysis to interpret the collected data. Thematic analysis allows researchers to identify recurring themes and conceptual relationships within qualitative data. Concepts related to governance mechanisms, arbitration procedures, and sharia compliance are categorized and interpreted within the broader framework of sustainable Islamic finance. This analytical approach facilitates the identification of patterns that explain how governance structures influence the effectiveness and legitimacy of arbitration in resolving Islamic commercial disputes (Braun & Clarke, 2006).

Through this methodological framework, the study identifies how governance structures contribute to transparency, legal certainty, and ethical financial practices within Islamic commercial arbitration. The analysis provides a comprehensive understanding of how institutional governance frameworks support the sustainability and credibility of Islamic finance.

RESULT AND DISCUSSION

The Role of Sharia Governance in Islamic Commercial Arbitration

The findings of this study demonstrate that sharia governance plays a central role in shaping the effectiveness and legitimacy of Islamic commercial arbitration. Arbitration institutions dealing with disputes related to Islamic financial transactions must ensure that their procedures and decisions comply with Islamic legal principles. Sharia governance provides the normative framework through which arbitration processes are guided, ensuring that contractual interpretation and dispute resolution remain consistent with the ethical and legal standards embedded in Islamic jurisprudence. In the context of Islamic finance, governance mechanisms are not limited to regulatory compliance but also incorporate moral accountability and religious legitimacy (Farook, Hassan, & Lanis, 2011).

Within arbitration institutions, sharia governance operates as an institutional mechanism that bridges the gap between modern commercial dispute resolution practices and traditional Islamic legal principles. Islamic financial contracts are structured based on specific jurisprudential doctrines such as the prohibition of riba, avoidance of excessive uncertainty, and the promotion of fairness in contractual relationships. When disputes arise, arbitrators must evaluate these contracts not only from a legal standpoint but also through the lens of Islamic ethical norms. Governance structures therefore play an important role in ensuring that arbitration proceedings remain consistent with sharia principles and avoid interpretations that could undermine the integrity of Islamic financial transactions (Ali, 2013).

The presence of qualified sharia scholars or advisory boards within arbitration institutions significantly strengthens the legitimacy of arbitration outcomes. These scholars provide authoritative guidance in interpreting Islamic legal norms, including the principles of justice (*adl*), contractual fairness, and the prohibition of exploitative practices. Their involvement ensures that arbitration decisions are grounded in both legal reasoning and ethical considerations derived from Islamic law. The integration of sharia expertise into institutional governance structures reflects the broader governance model used in Islamic financial institutions, where sharia supervisory boards play an essential role in maintaining compliance with Islamic legal principles (Mollah & Zaman, 2015).

The involvement of sharia scholars also contributes to the consistency and credibility of arbitration decisions. Islamic financial transactions often involve complex contractual arrangements that require specialized knowledge of both commercial law and Islamic jurisprudence. Arbitrators who lack expertise in sharia principles may encounter difficulties in interpreting the legal and ethical dimensions of Islamic financial contracts. Governance mechanisms that incorporate sharia advisory structures help address this challenge by ensuring that arbitration decisions reflect a balanced interpretation of legal rules and Islamic ethical standards (Archer & Karim, 2007).

Another important finding of the study is that effective sharia governance enhances the credibility of arbitration institutions within the broader Islamic financial ecosystem. Financial institutions, investors, and regulatory authorities rely on arbitration mechanisms to resolve disputes efficiently while preserving the ethical integrity of financial transactions. Arbitration institutions that demonstrate a strong commitment to sharia governance are more likely to gain the confidence of stakeholders involved in Islamic financial markets. Institutional credibility is particularly important in cross-border Islamic financial transactions, where differences in legal systems and regulatory frameworks may create uncertainty regarding dispute resolution mechanisms (Trakic & Hassan, 2019).

Strong governance structures also contribute to transparency and accountability within arbitration institutions. Governance mechanisms such as clearly defined procedural standards, institutional oversight, and the involvement of qualified experts ensure that arbitration proceedings maintain high professional standards. Transparency in arbitration decisions reinforces the perception that disputes are resolved fairly and consistently with Islamic legal principles. Such governance practices reduce the risk of inconsistent interpretations of sharia principles and strengthen the legitimacy of arbitration outcomes (Rahman & Bukair, 2013).

In addition to strengthening institutional credibility, sharia governance also contributes to the long-term sustainability of Islamic finance. Sustainable financial systems require dispute resolution mechanisms that promote stability, fairness, and legal certainty. Arbitration institutions that operate within strong governance frameworks help ensure that financial disputes are resolved efficiently while maintaining the ethical values that define Islamic finance. By reinforcing trust among financial institutions and investors, sharia governance supports the resilience and sustainability of Islamic financial markets (Alam, Hassan, & Said, 2015).

The integration of governance principles within arbitration institutions therefore represents a critical element in strengthening the institutional infrastructure of Islamic finance. Arbitration mechanisms that incorporate sharia governance provide a balanced approach to dispute resolution by combining legal expertise with ethical accountability. Such institutional arrangements ensure that arbitration decisions remain consistent with Islamic legal principles while addressing the practical complexities of modern financial transactions. Through this governance framework, Islamic commercial arbitration can contribute to the development of a stable and sustainable Islamic financial system that aligns with both regulatory standards and the objectives of Islamic economic ethics.

Governance Mechanisms Supporting Sharia Compliance in Arbitration

Effective sharia governance in Islamic commercial arbitration requires the establishment of clear institutional and procedural mechanisms that ensure compliance with Islamic legal principles while maintaining professional arbitration standards. Governance mechanisms serve as the institutional infrastructure that guides arbitration processes, ensuring that dispute resolution aligns with both legal norms and ethical values embedded in Islamic finance. Within Islamic financial institutions, governance frameworks generally consist of regulatory supervision, internal compliance systems, and sharia advisory mechanisms that oversee the implementation of Islamic legal principles in financial operations (Hasan, 2010). When these governance structures are incorporated into arbitration institutions, they provide a structured framework that strengthens the credibility and legitimacy of dispute resolution mechanisms in Islamic finance.

One of the most important elements of governance mechanisms in Islamic commercial arbitration is the establishment of clear qualification standards for arbitrators. Arbitrators who handle disputes involving Islamic financial contracts must possess interdisciplinary competence that combines expertise in commercial law with knowledge of Islamic jurisprudence. Islamic financial contracts are based on specific legal doctrines that regulate profit-sharing arrangements, asset-backed financing, and ethical financial conduct. Without an adequate understanding of these principles, arbitrators may struggle to interpret contractual disputes in a manner consistent with Islamic legal standards. The presence of arbitrators with interdisciplinary expertise therefore enhances the quality and reliability of arbitration decisions in Islamic financial disputes (Hassan & Aliyu, 2018).

In addition to arbitrator qualifications, governance mechanisms also require the integration of sharia expertise within arbitration institutions. The involvement of sharia scholars or advisory boards provides interpretative guidance in cases where contractual disputes involve complex Islamic legal principles. Sharia advisors play a critical role in evaluating whether contractual provisions comply with Islamic jurisprudence and whether arbitration decisions remain aligned with the ethical objectives of Islamic finance. This governance model is similar to the structure used in Islamic banking institutions, where sharia supervisory boards monitor financial operations to ensure compliance with Islamic legal standards (Garas & Pierce, 2010).

The integration of sharia expertise also contributes to consistency in the interpretation of Islamic financial contracts. Islamic jurisprudence includes diverse schools of thought, which may produce variations in legal interpretation across jurisdictions. Governance mechanisms that involve qualified scholars help arbitration institutions navigate these interpretative differences while maintaining adherence to widely accepted sharia principles. Through scholarly guidance, arbitration institutions can ensure that their decisions remain grounded in recognized jurisprudential frameworks and avoid interpretations that could undermine stakeholder confidence in Islamic financial dispute resolution.

Transparency represents another critical component of governance mechanisms supporting sharia compliance in arbitration. Transparent arbitration procedures strengthen institutional accountability and enhance trust among stakeholders. Arbitration institutions that adopt clear procedural rules, comprehensive documentation practices, and reasoned arbitration awards demonstrate a commitment to professional standards and ethical governance. Transparency allows disputing parties to understand the rationale behind arbitration decisions and ensures that the decision-making process remains open to scrutiny (Claessens & Yurtoglu, 2013).

Well-documented arbitration procedures also contribute to institutional learning and the development of consistent arbitration practices. When arbitration awards are supported by clear legal reasoning and references to relevant sharia principles, they serve as valuable precedents that guide future dispute resolution processes. Over time, such documentation contributes to the institutionalization of arbitration practices in Islamic finance, strengthening the predictability and reliability of dispute resolution mechanisms.

Governance mechanisms that emphasize transparency and professional standards also help reduce the risk of regulatory fragmentation in Islamic financial dispute resolution. Islamic financial transactions frequently involve cross-border relationships between institutions operating under different legal systems. In such contexts, arbitration institutions that demonstrate strong governance frameworks are better positioned to gain recognition and acceptance across jurisdictions. Effective governance therefore supports the harmonization of dispute resolution practices within the global Islamic financial system (Zulkhibri, 2016).

The presence of robust governance mechanisms ultimately enhances stakeholder confidence in Islamic commercial arbitration. Financial institutions, investors, and regulators are more likely to rely on arbitration mechanisms that demonstrate strong institutional accountability and consistent adherence to sharia principles. Governance structures that integrate qualified arbitrators, sharia advisory mechanisms, and transparent procedural standards contribute to the credibility of arbitration institutions and reinforce the legitimacy of arbitration outcomes.

In the broader context of Islamic finance, governance mechanisms supporting sharia compliance play an essential role in maintaining the ethical integrity of financial transactions. Arbitration institutions that implement effective governance frameworks ensure that dispute resolution processes reflect both legal certainty and Islamic ethical values. Such institutional arrangements contribute to the stability and sustainability of the Islamic financial system by reinforcing trust among stakeholders and promoting responsible financial practices within the industry.

Contribution of Sharia Governance to Sustainable Islamic Finance

The strengthening of sharia governance in arbitration institutions contributes directly to the sustainability of Islamic finance. A sustainable financial system requires dispute resolution mechanisms that provide stability, fairness, and legal certainty for market participants. Islamic commercial arbitration serves as an important mechanism for resolving disputes arising from Islamic financial transactions while maintaining adherence to ethical and legal standards derived from Islamic law. The presence of effective governance structures within arbitration institutions ensures that disputes are resolved efficiently without compromising the integrity of sharia-based financial practices. Strong governance frameworks also enhance institutional credibility and reduce the risk of legal uncertainty in Islamic financial markets (Ahmed, 2011).

Sustainability in Islamic finance is closely connected with the ethical foundations embedded in Islamic economic principles. Islamic financial systems are designed to promote fairness, accountability, and responsible financial conduct. The concept of *maqasid al-sharia*, which represents the higher objectives of Islamic law, emphasizes the protection of wealth, the establishment of justice, and the promotion of social welfare. Governance mechanisms within arbitration institutions play a crucial role in safeguarding these objectives by ensuring that financial disputes are resolved in a manner consistent with Islamic ethical values. When arbitration decisions are guided by the principles of *maqasid al-sharia*, they contribute to the creation of a financial system that balances economic efficiency with moral responsibility (Kamali, 2008).

Sharia governance also strengthens the ethical accountability of financial institutions participating in Islamic financial markets. Arbitration decisions grounded in Islamic legal reasoning encourage financial institutions to maintain compliance with sharia principles in their contractual practices. Institutions that engage in Islamic financial transactions are aware that disputes may be evaluated not only in terms of contractual obligations but also in relation to broader ethical principles embedded in Islamic law. This governance environment promotes responsible financial behavior and reduces the likelihood of exploitative practices that contradict the ethical foundations of Islamic finance (Dusuki, 2012).

Another important contribution of sharia governance lies in its ability to enhance trust among stakeholders within the Islamic financial ecosystem. Trust represents a fundamental element in financial markets, particularly in systems that emphasize ethical and religious legitimacy. Investors, financial institutions, and regulatory authorities rely on dispute resolution mechanisms that demonstrate fairness, transparency, and consistency in their decision-making processes. Arbitration institutions that operate under robust sharia governance frameworks are more likely to gain the confidence of stakeholders because their decisions reflect both professional legal standards and adherence to Islamic ethical principles (Uddin, 2014).

The presence of reliable dispute resolution mechanisms also reduces uncertainty in Islamic financial transactions. Financial markets depend on predictable legal frameworks that allow institutions and investors to manage risks effectively. Arbitration institutions that implement strong governance structures provide a reliable platform for resolving contractual disputes without lengthy litigation processes. This efficiency contributes to the stability of Islamic financial markets by ensuring that disputes are resolved in a timely and consistent manner. Reduced legal uncertainty encourages greater participation in Islamic financial markets and supports long-term investment activities (Smolo & Mirakhor, 2010).

Governance structures that integrate sharia principles with modern arbitration practices also contribute to the resilience of Islamic financial institutions. The global financial system is increasingly characterized by complex financial relationships and cross-border transactions. Islamic financial institutions operate in diverse regulatory environments that may differ in their interpretation and implementation of Islamic legal principles. Arbitration institutions that maintain strong governance frameworks provide a neutral platform for resolving disputes across jurisdictions while maintaining adherence to sharia principles. Such institutional arrangements strengthen the capacity of Islamic financial systems to adapt to global economic challenges (Beck, Demirgüç-Kunt, & Merrouche, 2013).

In addition to promoting stability and trust, sharia governance within arbitration institutions also reinforces the institutional infrastructure of Islamic finance. The integration of governance principles with arbitration procedures supports the development of standardized dispute resolution practices within the Islamic financial industry. Standardization contributes to the harmonization of legal interpretations and governance practices across jurisdictions. As Islamic finance continues to expand internationally, arbitration institutions that demonstrate strong governance structures play an essential role in maintaining consistency and legitimacy within the global Islamic financial system (Haneef, Pramanik, & Mohammed, 2015).

The findings of this study indicate that arbitration institutions operating under robust sharia governance frameworks contribute significantly to the sustainability of Islamic finance. By ensuring that dispute resolution processes remain aligned with Islamic legal principles and ethical values, governance structures reinforce the credibility of Islamic financial institutions. The integration of governance mechanisms, ethical accountability, and efficient arbitration procedures strengthens the institutional foundation of Islamic finance and supports its long-term development in the global financial landscape.

CONCLUSION

This study highlights the importance of strengthening sharia governance in Islamic commercial arbitration as a critical component of sustainable Islamic finance. The analysis demonstrates that arbitration institutions handling Islamic financial disputes must operate within governance frameworks that integrate sharia supervision, professional arbitration standards, and institutional accountability. Such governance structures ensure that dispute resolution processes remain consistent with Islamic legal principles while maintaining transparency, fairness, and legal certainty. The involvement of qualified sharia experts and the implementation of clear procedural standards enhance the legitimacy of arbitration outcomes and reinforce stakeholder confidence in the arbitration system. When governance mechanisms function effectively, Islamic commercial arbitration becomes a reliable forum for resolving financial disputes while preserving the ethical foundation of sharia-based financial transactions.

Strong sharia governance also contributes to the long-term sustainability of the Islamic financial system. Arbitration institutions that incorporate governance principles aligned with the objectives of *maqasid al-sharia* help ensure that financial disputes are resolved in a manner that protects wealth, promotes justice, and supports responsible economic conduct. Reliable dispute resolution mechanisms reduce uncertainty in financial transactions and encourage greater participation in Islamic financial markets. Strengthened governance frameworks therefore support the credibility and resilience of Islamic financial institutions within an increasingly complex global financial environment. The development of consistent governance standards, professional competence among arbitrators, and regulatory cooperation across jurisdictions will further enhance the role of Islamic commercial arbitration in maintaining stability and sustainability within the global Islamic finance industry.

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