

THE ROLE OF THE SHARIAH SUPERVISORY BOARD IN LAW ENFORCEMENT OF ISLAMIC BANKING: CHALLENGES AND SOLUTIONS

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ABSTRACT

The Islamic finance industry in Indonesia had experienced rapid development in recent decades, supported by the world's largest Muslim population, conducive regulations, and public awareness of the importance of sharia principles in the economy. Islamic banking, as one of the main pillars, faced complex challenges in law enforcement, including product innovation, limited human resources, and infrastructure supervision. This study used a qualitative method based on literature studies to analyze the role of supervisory authorities in overcoming these challenges. The results showed that strengthening regulations, improving human resource competencies, harmonizing international standards, and implementing modern supervisory technology are the main solutions to increase the effectiveness of supervision. In addition, developing a legal culture and public awareness were also needed to support the sustainability of the Islamic finance industry. With a comprehensive approach, Islamic banking was able to contribute more to national and global economic stability.

Keywords: *Islamic Banking, Supervisory Authorities, Law Enforcement, Shariah Compliance, Challenges and Solutions*

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I. INTRODUCTION

The Islamic financial industry in Indonesia has grown rapidly in the last decade. This is indicated by the increasing number of Islamic financial institutions operating in the country, ranging from Islamic banking, Islamic insurance, Islamic capital markets, to Islamic microfinance institutions. In addition, Islamic financial products are also increasingly diverse, ranging from savings, financing, investments, to other innovative products. Along with this development, market interest in Islamic financial services is also increasing, both from individuals and corporations. The growth of the Islamic financial industry in Indonesia cannot be separated from various supporting factors, such as increasing public awareness of the importance of implementing Islamic principles in economic and financial aspects, support from government policies through conducive regulations, and the role of Islamic financial institutions themselves in developing products and services that are in accordance with market needs. The Islamic financial industry is believed to have bright prospects in the future along with economic growth and improving the standard of living of the Indonesian people.(Sauri 2023).

The development of Islamic banking in Indonesia has shown significant growth since the 1990s. With the largest Muslim population, Indonesia has great potential in developing Islamic economics and finance. Islamic banking offers services that comply with Islamic principles, as well as a fairer and more ethical alternative banking system.

In the context of Islamic economics, Islamic banks' compliance with sharia principles also has significant implications for the concepts of risk sharing and economic justice.(Abraham et al. 2024). Sharia principles, such as the prohibition of usury and speculation, aim to create economic justice and equality. Failure of Islamic banks to comply with these principles can disrupt the economic balance and cause social inequality. Therefore, compliance with sharia principles is essential to achieving economic and social justice.

The development of the global Islamic financial system has shown significant growth in the last two decades, with Islamic banking being one of its main pillars. Amidst increasingly complex economic dynamics, the presence of Islamic banking not only provides an alternative for people who want financial services based on Islamic principles, but also becomes an integral part of the national financial system that contributes to economic stability.

The Sharia Supervisory Board (SSB) has an important role in examining aspects of sharia financial products to ensure their compliance with sharia principles. First, the SSB will review the structure of the contracts used, ensuring that the contracts are in accordance with sharia provisions and free from elements of usury, gharar, and maysir. Furthermore, the SSB will review the transaction mechanisms applied, ensuring that each stage of the transaction is in accordance with sharia provisions and free from prohibited practices, such as speculation and ambiguity. The SSB will also review the use of funds, ensuring that the funds will be used for purposes that are halal and beneficial to the community. (Sauri 2023).

Along with the development of the Islamic banking industry, the role of supervisory authorities is becoming increasingly important. Complex Islamic banking products and services must comply with Islamic regulations and principles, thus requiring more comprehensive supervision compared to conventional banking.

Indonesia, as a country with the largest Muslim population, has great potential in the development of Islamic banking. The growth of assets, financing, and third-party funds shows a positive trend. However, this potential also presents challenges for supervisory authorities to ensure healthy growth.

The framework for Islamic banking supervision in Indonesia has undergone significant changes. Initially under Bank Indonesia, supervision is now under the Financial Services Authority (OJK), which has a broader mandate. This transition brings a paradigm shift in the supervisory approach to greater integrity.

Law enforcement in Islamic banking has a unique dimension, as it must consider both positive law and Islamic law. This creates challenges in developing a comprehensive regulatory framework.

The success of Islamic banking supervision is determined by the ability of the supervisory authority to face challenges and implement appropriate solutions. This requires commitment and collaboration from all stakeholders in the Islamic banking ecosystem. An in-depth study of the role of the supervisory authority in enforcing Islamic banking law is very relevant to formulating a more effective and adaptive supervision strategy.

The refinement of Islamic banking provisions cannot be separated from the sources of Islamic law, both dogmatic regulations based on the Qur'an and Sunnah and other regulations in the form of ijthihad results as an explanation of the verses of the Qur'an and Sunnah. Dogmatic regulations are fixed, binding and do not

accept *ijtihad* and will not experience changes, while *ijtihad* can accept changes and is subject to the development of the times. (November 2022).

The increasing use of digital technology in banking also opens up opportunities for various forms of cybercrime. Identity theft, cyber fraud, and attacks on customer data are some of the main threats that Islamic banking must face in this digital era. These attacks can cause major financial losses, both for customers and for the banking institution itself. In addition, cybersecurity incidents can damage the bank's reputation, reduce customer trust, and affect the stability of the financial system as a whole. (Ray et al. 2024).

Banking financial institutions are one of the most dominant business activities and are very much needed in the economic activities of modern society. Based on this fact, Muslims feel the need to establish banking institutions that can meet the needs of the Muslim community to be able to use banking services that are free of usury. (Ilyas 2021)

Therefore, Islamic banks must take proactive steps to strengthen their security systems. Implementation of advanced security technologies such as data encryption, multi-factor authentication, and threat detection systems should be a top priority. In addition, education and training for customers on how to protect themselves from cyber threats is also very important. With a comprehensive and collaborative approach, Islamic banks can better face the challenges of this digital era, ensuring customer security and trust are maintained. (Ray et al. 2024).

According to (Alhalimi and Andrini 2024) The Islamic banking sector in Indonesia has shown significant growth over the past two decades, making significant contributions to the national financial system. This progress has been largely influenced by Law No. 21 of 2008 on Islamic Banking, which sets the foundation for Islamic banking operations in Indonesia. Islamic banks provide alternative financial services that are in line with the beliefs of the majority of Indonesia's Muslim population. This expansion is also in line with Indonesia's goal of becoming a global hub for the Islamic financial industry. However, with rapid growth, efforts to supervise and control Islamic banking operations have become increasingly complex, posing special challenges for regulators and industry players to ensure compliance with Islamic principles while maintaining financial stability. Islamic banking supervision in Indonesia is shaped by a "dual banking system," in which Islamic banks operate side by side with conventional banks under a common regulatory framework. This structure requires adaptive

supervisory mechanisms, balancing banking prudential standards with specific Islamic principles that guide Islamic financial transactions.

II. LITERATURE REVIEW

The development of Islamic banking in Indonesia has shown significant growth in the last two decades. According to Sauri (2023), this growth has been driven by several factors such as increasing public awareness of the importance of implementing sharia principles in economic and financial aspects, as well as supportive government policies through conducive regulations. This aligns with Alhalimi and Andriani's (2024) statement that the Islamic banking sector has made important contributions to the national financial system, especially after the enactment of Law No. 21 of 2008 concerning Islamic Banking.

The Sharia Supervisory Board (DPS) plays a crucial role in supervising Islamic banking operations. Sauri (2023) explains that DPS is tasked with examining aspects of Islamic financial products, including contract structures, transaction mechanisms, and the use of funds to ensure compliance with sharia principles. Nur (2022) adds that the refinement of Islamic banking provisions must refer to Islamic law sources, both dogmatic and *ijtihad* results.

In the context of the digital era, Ray et al. (2024) identify various cybersecurity challenges faced by Islamic banking, including identity theft, cyber fraud, and attacks on customer data. These challenges require the implementation of advanced security technology and customer education to protect against cyber threats.

Abraham et al. (2024) emphasize the importance of Islamic banks' compliance with sharia principles in the context of Islamic economics, particularly regarding the concepts of risk-sharing and economic justice. Meanwhile, Arsyad and Sodik (2014) discuss the increasing complexity of supervision along with technological advancement and digitalization.

Akram and Kurniawan (2024) analyze law enforcement aspects in banking, including the importance of appropriate sanctions to provide deterrent effects. They also highlight the need for improvements in various aspects, including legal substance, law enforcement institutions, legal culture, and legal infrastructure. Ilyas (2021) affirms that banking financial institutions are dominant business activities and highly needed in modern economics, thus encouraging Muslims to establish banking institutions that comply with sharia principles.

III. METHODOLOGY

In the study on the Role of Supervisory Authorities in Enforcing Islamic Banking Law, the approach used is a qualitative method with a focus on literature studies. This method involves collecting and analyzing data from various relevant journals and scientific articles to understand the role of supervisory authorities and the challenges faced in the context of Islamic banking. By analyzing the existing literature, researchers can identify key themes and find solutions proposed by previous researchers.

Next, content analysis will be applied to evaluate the content of the articles that have been collected. This method allows researchers to extract important information and group data based on certain categories, such as the challenges faced by the supervisory authorities and the steps taken to address these issues. In this way, researchers can gain deeper insight into the dynamics that occur in the enforcement of Islamic banking law.

Finally, this study will also consider case studies that have been published in journals to provide concrete examples of how supervisory authorities operate in specific situations. By combining the results of the literature review, content analysis, and case studies, this study aims to provide a comprehensive picture of the role of supervisory authorities, the challenges faced, and solutions that can be applied to improve the effectiveness of law enforcement in Islamic banking.

IV. RESULTS AND ANALYSIS

A. Challenges of the role of supervisory authorities in enforcing Islamic banking law

1. Product and Service Complexity

One of the major challenges faced by supervisory authorities in enforcing Islamic banking law is the increasing complexity of Islamic banking products and services. The development of the Islamic banking industry has encouraged banks to introduce increasingly diverse and innovative financial products, including products that combine several Sharia contracts or hybrid contracts. While such innovation is important for meeting the changing needs of customers and maintaining competitiveness, it also creates greater challenges for supervisory authorities. The increasingly complex structure of Islamic banking

products requires in-depth analysis to ensure that every component and mechanism of the product remains consistent with Sharia principles and applicable banking regulations. Therefore, supervisors need to possess a comprehensive understanding of both fiqh muamalah and modern banking practices. In addition, the emergence of innovative products that have no direct precedent creates difficulties in identifying and assessing the potential risks associated with their implementation.

Another challenge concerns the assessment of Sharia conformity. In practice, differences in the interpretation of Sharia principles may lead to variations in the assessment of whether a particular banking product or service complies with Islamic law. Supervisory authorities may encounter difficulties in establishing clear boundaries between permissible and prohibited practices, particularly when dealing with sophisticated financial structures. The identification of elements of gharar (excessive uncertainty), riba (usury or interest), and maysir (gambling or speculation) in modern financial products can be particularly complex. Furthermore, supervisors must ensure that the implementation of contracts in practice corresponds not only to the formal structure of the contract but also to the provisions of the applicable fatwas. This requires effective coordination between regulatory supervision and Sharia oversight mechanisms.

The absence of comprehensive standardization of Islamic banking products further complicates the supervisory process. Variations in product structures and implementation practices among Islamic banks may result in different approaches to Sharia compliance. Consequently, supervisory authorities require clear and measurable parameters for evaluating the conformity of Islamic banking products with Sharia principles. Standardization is also important for creating consistency in supervisory practices while allowing sufficient flexibility for innovation. At the same time, harmonizing international Islamic finance standards with domestic regulatory and Sharia practices remains a significant challenge for supervisory authorities.

The findings regarding product and service complexity indicate that the development of Islamic banking innovation has created a more demanding supervisory environment. The emergence of increasingly sophisticated financial products, including products based on combinations of several Sharia contracts (hybrid contracts), requires supervisory authorities to assess not only the formal structure of a contract but also its substance, implementation, risk allocation, and economic consequences. This challenge is particularly relevant because Islamic banking is expected to remain innovative and competitive while maintaining its distinctive Sharia characteristics. The Financial Services Authority (OJK) recognizes product innovation and diversification as important elements of the development of Indonesian Islamic banking through the Roadmap for the Development and Strengthening of Indonesian Islamic Banking 2023–2027 (OJK, 2023). However, greater innovation simultaneously increases the complexity of regulatory and Shariah assessment because new products may combine multiple contracts, technological mechanisms, and financial arrangements that do not always have direct precedents in classical Islamic jurisprudence.

The complexity identified in this study is consistent with recent research emphasizing that Islamic banking product innovation must balance market needs, regulatory requirements, Sharia compliance, and the objectives of *maqasid al-Shariah*. Ismaulina and Ibrahim (2025) argue that product innovation in Islamic banking should not be limited to formal compliance with Sharia requirements but should also consider whether the innovation contributes to the broader objectives of Islamic law. This indicates that supervisory authorities need to move beyond a purely formalistic assessment of contracts toward a more substantive evaluation of the entire product structure and its consequences. In this context, the supervision of Islamic banking products becomes a multidisciplinary activity requiring knowledge of Islamic jurisprudence, banking operations, financial risk, consumer protection, and regulatory law.

The challenge is further intensified by differences in the interpretation of Sharia principles. Concepts such as *riba*, *gharar*, and *maysir* may require careful contextual assessment when applied to contemporary financial products. A product may appear compliant at the contractual level but may raise questions when its actual implementation, economic substance, or risk allocation is examined. Therefore, Sharia compliance assessment should be conducted throughout the product life cycle rather than only during the initial approval process. Recent developments in international Sharia governance standards support this direction. AAOIFI's revised Shariah Governance Framework and its standards concerning Shariah decision-making emphasize the importance of structured Shariah decision-making processes and clearly defined responsibilities in product development and approval (AAOIFI, 2024). This development suggests that effective supervision requires continuous interaction between regulatory authorities, Shariah Supervisory Boards, management, and internal control functions.

The findings concerning the limitations of standardization also have important implications for supervisory effectiveness. Differences in product structures and Sharia interpretations among Islamic financial institutions may complicate the establishment of uniform supervisory benchmarks. Nevertheless, standardization should not eliminate innovation or impose identical business models on all Islamic banks. Rather, it should establish minimum principles, assessment criteria, documentation requirements, and supervisory indicators that can be applied consistently. In Indonesia, the issuance of POJK No. 2 of 2024 on Shariah governance for Islamic Commercial Banks and Sharia Business Units represents an important development in strengthening the institutional framework for Shariah governance (OJK, 2024a). At the international level, IFSB-31 also emphasizes the importance of clear supervisory responsibilities, accountability, and effective governance arrangements while recognizing differences in national Shariah governance structures (IFSB, 2025a). Thus, the challenge faced by supervisory authorities

is not simply the absence of standards but the need to harmonize national regulation, Shariah standards, and international supervisory principles.

2. Human Resources

Human resources represent another significant challenge in the supervision and enforcement of Islamic banking law. Effective supervision requires personnel who possess both technical banking knowledge and a strong understanding of Islamic law and Sharia principles. However, the availability of supervisory personnel with such dual competence remains relatively limited. There is still a gap between the demand for qualified supervisors and the availability of human resources with specialized knowledge and recognized Sharia-related qualifications. Supervisors must be capable of simultaneously understanding complex banking operations, financial risks, regulatory requirements, and the principles of *fiqh muamalah*. Moreover, the increasing specialization of Islamic banking activities requires supervisors with expertise in different areas, including risk management, financial products, corporate governance, and Sharia compliance.

The need for continuous capacity development is therefore increasingly important. The rapid development of the Islamic financial industry requires supervisory personnel to continuously update their knowledge and competencies. Contemporary Islamic financial products are becoming increasingly sophisticated, requiring supervisors to understand not only their contractual structures but also the economic, technological, and legal mechanisms underlying them. Specialized training in risk-based supervision, Sharia compliance, financial innovation, and contemporary Islamic finance is necessary to strengthen supervisory capacity. Supervisory authorities also face challenges in developing monitoring methodologies that are both effective and capable of responding to the dynamic nature of Islamic banking.

Inter-institutional coordination is another important dimension of the human resource challenge. Effective enforcement of Islamic banking law requires alignment of perspectives and responsibilities among relevant institutions, particularly the Financial Services Authority (OJK) and the National Sharia Council of the Indonesian Ulema Council (DSN-MUI). Differences in institutional perspectives may arise because prudential supervision and Sharia supervision emphasize different dimensions of banking activities. Therefore, effective communication and coordination mechanisms are needed to integrate prudential and Sharia supervision. Clear institutional arrangements are also necessary to prevent potential overlaps in supervisory authority and to ensure that each institution can perform its responsibilities effectively.

The findings demonstrate that human-resource limitations constitute a fundamental challenge in enforcing Islamic banking law. Islamic banking supervision requires a combination of banking, financial, legal, and Shariah competencies. Supervisors must understand conventional prudential principles such as capital adequacy, liquidity, credit risk, market risk, operational risk, and corporate governance while simultaneously understanding fiqh muamalah, Shariah contracts, fatwas, and Shariah compliance mechanisms. The availability of professionals who possess such dual or multidisciplinary competencies remains an important concern. This condition can affect the ability of supervisory authorities to assess sophisticated Islamic financial products and identify potential Shariah non-compliance at both the contractual and operational levels.

The importance of human-resource competency is supported by recent studies on Shariah governance. Research published in 2025 identifies human capital and expertise as important factors influencing the effectiveness of Shariah governance in Islamic financial institutions. Limited expertise can create difficulties in translating Shariah principles into operational procedures and in integrating Shariah requirements

with modern banking practices. Ismaulina and Ibrahim (2025) similarly emphasize the need for multidisciplinary competencies in Islamic banking product innovation because the development of contemporary financial products involves interactions between market demand, technology, regulation, financial management, and Shariah principles. Therefore, supervisory authorities need to develop competency frameworks that combine regulatory, financial, technological, and Shariah expertise rather than relying on narrowly specialized knowledge.

The need for continuous capacity development becomes even more important as Islamic banking undergoes digital transformation. Digital banking, artificial intelligence, financial technology, automated decision-making, and data-driven risk assessment are changing the way financial products are developed and delivered. OJK's Booklet Perbankan Indonesia 2024 indicates that digitalization has become an important component of the development of Islamic banking, including the expansion of digital services and information technology capabilities (OJK, 2024b). Consequently, supervisory personnel must continuously update their knowledge so that they can evaluate not only the legal structure of Islamic financial contracts but also the technological systems through which those contracts are implemented.

Another important finding concerns coordination among institutions. The enforcement of Islamic banking law involves multiple institutional actors, including OJK, DSN-MUI, Shariah Supervisory Boards, management, internal audit functions, and external reviewers. Each institution has different responsibilities, and insufficient coordination may create overlapping authority or gaps in supervision. POJK No. 2 of 2024 and SEOJK No. 15/SEOJK.03/2024 represent efforts to strengthen the institutional architecture of Shariah governance by clarifying the functions of Shariah Supervisory Boards, Shariah risk management, Shariah compliance, internal Shariah audit, and external review (OJK, 2024a; OJK, 2024c). These developments indicate that effective Islamic banking supervision requires not only competent

individuals but also an institutional system capable of coordinating different forms of expertise and authority.

3. Monitoring Infrastructure

The effectiveness of Islamic banking supervision is also influenced by the availability and quality of monitoring infrastructure. One of the primary challenges concerns technological limitations. Effective supervision increasingly requires integrated information systems capable of collecting, processing, and analyzing banking information efficiently. The adoption of modern supervisory technologies is necessary to support more proactive and risk-based supervision. However, limitations in technological infrastructure may restrict the ability of supervisory authorities to conduct real-time monitoring of Islamic banking activities. Developing and maintaining sophisticated supervisory technology also requires substantial financial and human resource investment.

In addition to technological limitations, differences in supervisory procedures can create challenges for achieving consistency. Variations in oversight procedures among institutions or regions may complicate the assessment and comparison of supervisory performance. Therefore, there is a need to establish standardized supervisory procedures and universal guidelines that can be consistently implemented. Such standardization should be accompanied by measurable indicators for evaluating the effectiveness of supervision. Clear parameters would enable supervisory authorities to identify weaknesses, assess compliance, and improve supervisory practices systematically.

The harmonization of regulations also constitutes an important challenge in strengthening supervisory infrastructure. Islamic banking operates within a regulatory environment influenced by both national and international standards. Supervisory authorities therefore face difficulties in aligning domestic regulations with international standards while ensuring that such standards remain compatible with the distinctive

characteristics of Islamic banking. The adaptation of Basel standards and other international regulatory frameworks to Islamic banking requires careful consideration because Islamic banks operate under contractual and risk-sharing structures that may differ from conventional banking. In addition, continuous regulatory changes may affect supervisory processes and require supervisory authorities and Islamic banks to continuously adapt to new requirements.

The findings concerning monitoring infrastructure indicate that technological capability has become an essential component of effective Islamic banking supervision. As banking transactions become increasingly digital and financial products become more complex, supervisory authorities require integrated information systems capable of collecting, processing, validating, and analyzing information in a timely manner. Traditional supervisory approaches based primarily on periodic reporting may become insufficient when risks emerge rapidly through digital transactions. OJK's policy direction confirms that digital transformation is an important element of Islamic banking development, particularly in expanding digital services and strengthening information technology capabilities (OJK, 2024b).

The technological challenge is particularly important for Shariah supervision because the information required to assess compliance may extend beyond conventional financial indicators. Supervisors may need to examine the contractual structure, sequence of transactions, underlying assets, ownership arrangements, profit-sharing mechanisms, and implementation procedures. Consequently, effective technology-enabled supervision should be capable of integrating financial, operational, and Shariah-related information. This supports the development of a more proactive supervisory model in which potential Shariah violations can be detected at an earlier stage rather than after a violation has already occurred.

The findings also reveal the importance of standardizing supervisory procedures. Differences in supervisory approaches may produce inconsistent interpretations of compliance and

differences in responses to similar violations. However, procedural standardization should focus on establishing minimum supervisory requirements rather than eliminating institutional flexibility. The development of international Shariah governance standards by AAOIFI and IFSB demonstrates the growing emphasis on clearer governance structures, accountability, decision-making processes, and supervisory principles (AAOIFI, 2024; IFSB, 2025a). For Indonesian Islamic banking, these international developments can serve as important references while still being adapted to the domestic legal and institutional context.

Regulatory harmonization is also closely related to monitoring infrastructure. Islamic banks operate within a regulatory environment that combines national banking legislation, OJK regulations, DSN-MUI fatwas, and international standards. The challenge is particularly evident when prudential standards developed primarily for conventional banking need to be adapted to Islamic banking contracts and risk characteristics. IFSB's work on macroprudential tools demonstrates that Islamic banking requires regulatory approaches that recognize its distinctive contractual and risk structures (IFSB, 2024). Therefore, harmonization should not simply involve adopting international standards mechanically but should involve contextual adaptation to ensure consistency between prudential objectives and Shariah requirements

4. Operational Challenges

Operational challenges are closely related to the effectiveness of reporting, risk management, and law enforcement mechanisms. In terms of reporting systems, supervisory authorities face difficulties in developing standardized reporting formats that can adequately capture the specific characteristics of Islamic banking activities. An integrated reporting system is required to facilitate the collection, verification, and analysis of information from Islamic banks. The accuracy and consistency of reported data are also important because supervisory decisions

depend heavily on the quality of information received from financial institutions. However, limitations in real-time data processing and analysis can reduce the ability of supervisory authorities to identify potential problems at an early stage.

Risk management presents another significant operational challenge. Islamic banks face several risks that may also exist in conventional banking, but they may additionally encounter risks associated with Sharia compliance, unique contractual structures, and the potential reputational consequences of Sharia violations. Supervisory authorities therefore need to develop appropriate models and methodologies for identifying, measuring, monitoring, and mitigating risks specific to Islamic banking. A comprehensive Sharia risk assessment framework is particularly important because non-compliance with Sharia principles can have consequences not only for individual transactions but also for the reputation and credibility of the entire Islamic banking institution. Measuring the potential impact of Sharia-related reputational risk remains a complex task because its effects may extend beyond immediate financial losses.

Finally, law enforcement constitutes a critical challenge in the supervision of Islamic banking. Supervisory authorities must determine appropriate and proportionate sanctions for violations of Sharia principles and applicable banking regulations. The enforcement process may become more complicated when violations involve contractual interpretation, differences in Sharia perspectives, or disputes concerning the implementation of Islamic financial products. In addition, litigation involving Islamic banking may present unique legal complexities because the applicable legal framework may involve interactions between banking law, contract law, Sharia principles, and dispute resolution mechanisms. Therefore, an effective and clearly defined settlement mechanism is necessary to address disputes efficiently and fairly. The limited number of established legal precedents in certain areas of Islamic banking may further complicate the enforcement process and create uncertainty

regarding the interpretation and application of Islamic banking law.

The challenges in banking supervision are increasingly complex along with advances in technology and digitalization. Innovations such as digital banking and fintech bring great benefits, but also give rise to new risks such as cybercrime, customer data protection, and unfair competition. In this context, POJK Number 5 of 2024 is present as an effort to adjust banking supervision policies to remain relevant and responsive to developing dynamics.⁵ In addition, effective supervision is also key to preventing financial crises that can have a broad impact on economic and social stability. This regulation not only focuses on the compliance aspect, but also encourages banks to have good governance, adequate risk management, and readiness to face various potential threats in the future.(Arsyad and Sodiq 2014).

Challenges in Islamic Banking Supervision The complexity of Islamic banking supervision stems from the need to implement both Islamic compliance and prudential supervision effectively. One major issue is the human resource competency gap; Islamic banking supervisors require dual expertise in conventional banking and Islamic law, a combination that is currently limited. This gap affects the depth and quality of supervision, especially as the Islamic banking sector grows and its product offerings become more complex. Another challenge is the technological infrastructure that has become critical to effective supervision in today's digital economy. The rapid advancement of financial technology (fintech) and digital banking services requires Islamic banks to adapt to and integrate new technologies. However, the current technological infrastructure in Islamic banks, as well as the supervisory systems that monitor them, are often not sophisticated enough to seamlessly integrate with fintech innovations. These limitations can lead to regulatory delays, creating potential risks for Islamic banks struggling to keep up with technological demands and consumer expectations.(Alhalimi and Andrini 2024).

Banking is a system that has a strategic role in development, especially to support the escalation of a country's economic growth. Damage to public trust in banks can have direct implications on the rise and fall of the country's economy. For this reason, things that have the potential to harm banks and the public need to be addressed, even avoided. The imposition of sanctions on perpetrators of crimes or violations needs to be considered carefully as a repressive and preventive effort. (Akram and Kurniawan 2024).

According to (Akram and Kurniawan 2024) The imposition of criminal sanctions on banking actors has actually been regulated in Banking Law No. 10 of 1998. However, it is unfortunate that the imposition of criminal sanctions threatened for perpetrators of banking crimes, including internal bank frauds, still does not provide a sufficient deterrent effect and even the number of cases is increasing day by day. This is because the criminal sanctions are still only in the form of fines and imprisonment which can only be categorized as minor criminal sanctions. These challenges require a comprehensive and coordinated approach from various stakeholders. Strengthening the Islamic banking supervision system must take this complexity into account to develop effective and sustainable solutions.

The findings regarding operational challenges indicate that effective enforcement depends heavily on the quality of reporting and information available to supervisory authorities. Islamic banking requires reporting mechanisms that capture not only financial and prudential information but also relevant information concerning Shariah compliance, Shariah risk, governance, and implementation of Islamic contracts. The strengthening of Shariah governance through POJK No. 2 of 2024 and SEOJK No. 15/SEOJK.03/2024 demonstrates that Shariah compliance is increasingly incorporated into formal governance and reporting mechanisms (OJK, 2024a; OJK, 2024c). Nevertheless, the complexity of Islamic banking operations means that reporting systems must continue to evolve toward more integrated and timely information management.

Risk management represents another significant operational challenge. Islamic banks face conventional banking risks but also encounter distinctive risks arising from their contractual structures and Shariah requirements. Among these, Shariah non-compliance risk is particularly important because its consequences may extend beyond financial losses to legal liability, reputational damage, loss of customer confidence, and reduced institutional legitimacy. Lailiya and Kusumaningtias (2024) emphasize that Shariah non-compliance can create reputational and financial consequences for Islamic banking institutions. Similarly, Ma'ruf and Wulandari (2023) identify Shariah non-compliance as a distinctive risk requiring specific attention within Islamic financial institutions.

These findings suggest that Shariah compliance should not be treated as a separate religious or legal function that operates independently of enterprise risk management. Instead, it should be integrated into the overall risk-management architecture of Islamic banks. Shariah risk should be identified, measured, monitored, mitigated, and reported in a manner comparable to other material banking risks while maintaining its distinctive characteristics. This integrated approach is consistent with the broader development of Shariah governance frameworks, which increasingly emphasize the interaction between Shariah supervision, risk management, internal audit, and institutional governance (AAOIFI, 2024; IFSB, 2025a).

The final operational challenge concerns law enforcement and sanctions. The findings show that determining appropriate sanctions for Shariah violations can be complicated because Islamic banking operates at the intersection of statutory law, banking regulation, contractual law, and Shariah principles. The challenge is therefore not merely establishing sanctions but ensuring that sanctions are proportionate, consistently applied, legally certain, and supported by effective dispute-resolution mechanisms. Recent research continues to identify weaknesses in enforcement and institutional coordination as factors that can reduce the effectiveness of Shariah governance in Islamic banking.

Consequently, stronger enforcement mechanisms are required to ensure that Shariah compliance is not merely a formal obligation but an enforceable component of banking governance.

From a broader legal perspective, effective enforcement also requires greater clarity concerning the relationship between Shariah standards and positive law. When disputes arise, uncertainty regarding the interpretation or legal status of certain Shariah requirements may create difficulties for banks, customers, courts, and supervisory institutions. The development of clearer regulatory provisions and stronger jurisprudence concerning Islamic banking disputes can therefore contribute to greater legal certainty. In this regard, the strengthening of Shariah governance regulation in Indonesia represents an important foundation, but it needs to be accompanied by consistent implementation, institutional coordination, effective dispute resolution, and the development of legal precedents.

B. Solutions to the Role of Authorities in Enforcing Islamic Banking Law

The findings indicate that the challenges faced by supervisory authorities in enforcing Islamic banking law cannot be addressed solely through stronger sanctions or more intensive supervision. The complexity of Islamic banking products, limitations in human resources, variations in regulatory interpretation, weaknesses in monitoring infrastructure, and operational challenges demonstrate the need for a comprehensive approach that simultaneously strengthens the legal substance, institutional capacity, legal culture, supervisory infrastructure, and public awareness. In this regard, Akram and Kurniawan (2024) emphasize the importance of improving legal substance, strengthening law enforcement institutions, developing legal culture, improving legal infrastructure, and increasing public awareness. These dimensions remain highly relevant to Islamic banking, although their implementation needs to be adapted to the contemporary regulatory framework and the specific characteristics of Shariah-based financial institutions.

1. Strengthening the Legal Substance and Regulatory Framework

The first solution emerging from the findings is the need to strengthen the substance of Islamic banking law. The complexity of contemporary Islamic

banking products demonstrates that legal certainty is fundamental to effective supervision. Regulations must provide sufficiently clear parameters concerning the permissible structure, implementation, risk management, governance, and enforcement of Islamic banking products while simultaneously providing adequate space for innovation. If regulatory provisions are ambiguous or unable to accommodate new financial structures, supervisory authorities may face difficulties in determining whether a particular practice constitutes a violation of banking law or Shariah principles. Therefore, legal certainty should not be understood merely as the existence of written rules but also as the clarity, consistency, predictability, and enforceability of those rules.

This finding is particularly relevant in light of the rapid development of Islamic banking products. OJK has responded to this challenge by issuing more specific product guidelines, including the *Pedoman Produk Pembiayaan Musyarakah Perbankan Syariah*, which aims to provide a common reference for stakeholders and reduce the potential for disputes arising from differences in product implementation. OJK noted that *murabahah* and *musyarakah* accounted for almost 92% of Islamic banking financing at the beginning of 2024, demonstrating the importance of establishing clearer implementation standards for dominant Islamic financing contracts. More recently, OJK issued POJK No. 4 of 2026 concerning Islamic Banking Investment Products, which explicitly distinguishes investment products from deposit products and establishes requirements concerning governance, risk management, disclosure, suitability assessment, internal control, and Shariah principles.

These developments demonstrate that strengthening legal substance should be directed toward responsive regulation. The legal framework must be sufficiently precise to provide certainty but sufficiently adaptive to accommodate financial innovation. In Islamic banking, this requires harmonization between statutory banking law, OJK regulations, DSN-MUI fatwas, Shariah governance standards, and international standards. The issuance of POJK No. 2 of 2024 represents an important development because it establishes a formal Shariah governance framework for Islamic Commercial Banks and Islamic Banking Units, including the functions of the Shariah Supervisory Board, Shariah compliance, Shariah risk management, internal Shariah audit, external Shariah review, reporting, and follow-up actions for Shariah non-compliance.

The need for regulatory clarity is also reflected in recent international developments. AAOIFI's revised Shariah governance standards include specific standards concerning the Shariah governance framework, Shariah decision-making, the appointment and composition of Shariah Supervisory Boards, their functions, and their review and reporting responsibilities. Similarly, IFSB-31 emphasizes that supervisory authorities should establish clear expectations concerning the responsibilities and accountability of boards and senior management for Shariah governance and ensure that Shariah governance is integrated into the overall governance framework of Islamic financial institutions. Thus, strengthening legal substance should involve not merely adding regulations but creating a coherent regulatory architecture that provides clear relationships among Shariah principles, regulatory requirements, institutional responsibilities, and enforcement mechanisms.

2. Strengthening the Capacity and Independence of Law Enforcement Institutions

The findings also reveal that the effectiveness of Islamic banking law depends heavily on the quality, competence, integrity, and independence of institutions responsible for supervision and enforcement. OJK, judges, prosecutors, advocates, investigators, internal compliance officers, auditors, and Shariah Supervisory Boards each perform different functions in the enforcement ecosystem. Weakness in any one of these components may reduce the effectiveness of the entire system. Akram and Kurniawan (2024) therefore emphasize the importance of professional competence, integrity, morality, knowledge, and institutional independence among law enforcement authorities.

For Islamic banking, however, professional competence must be understood in a broader sense. Supervisors and investigators need not only general legal and banking expertise but also sufficient knowledge of Islamic finance, Shariah contracts, *fiqh muamalah*, Shariah risk, and the institutional mechanisms of Shariah governance. This is because a violation may simultaneously involve regulatory, contractual, financial, and Shariah dimensions. IFSB-31 emphasizes that effective Shariah governance requires competent boards, senior management, Shariah governance organs, and control functions, together with continuous professional development in Islamic finance and Shariah governance.

The Indonesian regulatory framework has moved in this direction. POJK No. 2 of 2024 requires the implementation of Shariah governance through the Shariah Supervisory Board, Shariah compliance function, Shariah risk management function, internal Shariah audit, and external Shariah review. SEOJK No. 15/SEOJK.03/2024 further provides operational guidance for implementing Shariah governance in Islamic Commercial Banks and Islamic Banking Units. This indicates that institutional strengthening should not be limited to increasing the number of supervisory personnel but should also focus on specialization, professional certification, multidisciplinary training, independence, and continuous competency development.

The issue of human-resource capacity is particularly important because Islamic banking is increasingly characterized by digitalization and financial innovation. Supervisors need to understand not only traditional banking transactions but also digital platforms, automated processes, data-driven decision-making, fintech partnerships, and new investment products. Accordingly, the development of supervisory capacity should combine Islamic jurisprudence, banking law, risk management, financial technology, data analytics, and regulatory compliance. Such multidisciplinary capacity would allow supervisory authorities to move from reactive enforcement toward preventive and risk-based supervision.

3. Strengthening Legal Culture and Institutional Integrity

The findings further demonstrate that formal regulation alone cannot guarantee effective enforcement. A strong legal culture is required within Islamic banking institutions, supervisory authorities, and the broader financial ecosystem. Legal culture refers to the attitudes, values, ethical commitments, and behavioral patterns that influence how legal rules are understood and implemented. In the context of Islamic banking, this dimension is particularly important because compliance should not merely arise from fear of sanctions but also from an internal commitment to Shariah principles, integrity, transparency, accountability, and public trust.

The findings concerning fraud and internal violations reinforce this argument. The increasing complexity of financial institutions can create opportunities for fraudulent behavior, conflicts of interest, manipulation of information, and other forms of misconduct. OJK's POJK No. 12 of 2024 on the implementation of anti-fraud strategies for financial services institutions

recognizes that increasingly complex financial activities increase exposure to fraud risk and therefore require stronger internal control systems. The regulation requires financial institutions to establish anti-fraud functions appropriate to their business complexity and to submit complete, accurate, current, and comprehensive anti-fraud reports.

This development is significant because it shifts the approach to fraud prevention from a purely punitive model toward a preventive governance model. The effectiveness of Islamic banking law enforcement therefore depends on the ability of banks to establish ethical organizational cultures, strengthen internal controls, identify vulnerabilities, monitor transactions, and respond quickly to irregularities. The compliance function should be positioned as an independent control function rather than merely an administrative unit. The Basel Committee has long emphasized that an effective compliance function should identify, assess, advise on, monitor, and report compliance risk, while more recent Basel corporate governance guidance continues to recognize independent compliance as an important component of a bank's control framework.

For Islamic banks, this compliance culture must be expanded to include Shariah compliance culture. This means that Shariah considerations should be incorporated into decision-making at all organizational levels rather than being delegated exclusively to the Shariah Supervisory Board. The board of directors, senior management, business units, risk management, compliance, internal audit, and Shariah governance organs should share responsibility for maintaining Shariah integrity. IFSB-31 similarly emphasizes clear accountability for Shariah governance and the need for adequate resources, authority, independence, and continuous development of Shariah governance functions.

4. Strengthening Internal Control, Anti-Fraud Mechanisms, and Whistleblowing Systems

The findings concerning legal culture are closely connected to the need to strengthen internal control mechanisms. Effective internal control functions as the first line of defense against fraud, misconduct, and regulatory and Shariah violations. In Islamic banking, internal control should therefore cover not only financial reporting and operational risks but also compliance with Shariah principles and approved contractual structures.

The implementation of anti-fraud strategies should be integrated with Shariah governance and risk management. OJK's POJK No. 12 of 2024 establishes an anti-fraud framework for financial services institutions and requires institutions to adapt their strategies to their business complexity and fraud-risk exposure. This regulatory development strengthens the argument that fraud prevention cannot be separated from the broader governance architecture of financial institutions.

Whistleblowing systems are particularly important because internal employees often possess information concerning irregularities before those irregularities become visible to external supervisors. A credible whistleblowing mechanism should provide confidentiality, protection from retaliation, independent investigation, and clear follow-up procedures. The effectiveness of such a system, however, depends on institutional trust. Employees will be reluctant to report violations if they believe that reports will be ignored or may result in retaliation. Consequently, whistleblowing should be supported by strong leadership commitment, transparent investigation procedures, and measurable accountability.

Recent OJK practice also demonstrates continued emphasis on whistleblowing and organizational integrity. In 2025, OJK reported that its Whistleblowing System and Gratification Control Program had reached the highest maturity level, while its Anti-Fraud Strategy maturity increased to Level 4 (managed). These developments provide evidence that anti-fraud systems and whistleblowing mechanisms are increasingly treated as institutional governance instruments rather than merely supplementary procedures.

5. Strengthening Supervisory and Legal Infrastructure

The findings also indicate that effective Islamic banking law enforcement requires stronger legal and supervisory infrastructure. Infrastructure in this context includes regulatory databases, reporting systems, supervisory technology, investigation mechanisms, coordination procedures, dispute-resolution mechanisms, and information-sharing arrangements among relevant institutions. Without adequate infrastructure, even well-designed regulations and highly competent personnel may not be able to respond effectively to violations.

The development of supervisory infrastructure should therefore move toward integrated and technology-enabled supervision. Supervisory authorities need systems capable of combining financial, operational, governance, and Shariah-related information. Such integration would enable regulators to identify patterns of risk and potential non-compliance more rapidly. This is particularly important as Islamic banking becomes increasingly digital and as new financial products involve complex technological processes.

The need for stronger infrastructure is also apparent in the development of Shariah governance. SEOJK No. 15/SEOJK.03/2024 provides operational guidance on Shariah governance, including the responsibilities of Shariah Supervisory Boards and functions relating to Shariah risk management, compliance, internal Shariah audit, and external review. This suggests that the supervisory infrastructure should be designed to enable information from different control functions to reach supervisory authorities in a consistent and timely manner.

Inter-institutional coordination is equally important. The enforcement of Islamic banking law involves OJK, DSN-MUI, Shariah Supervisory Boards, law enforcement institutions, courts, banks, and other relevant stakeholders. Coordination mechanisms should therefore establish clear responsibilities, communication channels, information-sharing procedures, and escalation mechanisms. IFSB-31 emphasizes the importance of clear lines of authority, responsibility, accountability, and communication within Shariah governance systems. Thus, institutional coordination should be understood as part of the infrastructure of enforcement rather than merely an administrative activity.

6. Increasing Public Awareness and Consumer Participation

The findings also indicate that strengthening Islamic banking law enforcement requires greater public awareness. Customers are not merely passive recipients of banking services but important participants in the supervisory ecosystem. Customers who understand the characteristics of Islamic banking products, their contractual structures, rights, obligations, and Shariah requirements are more capable of identifying potential irregularities and reporting violations.

Public awareness is particularly important because Shariah compliance is closely connected with consumer trust. If customers perceive that Islamic

banks merely replicate conventional banking products without meaningful adherence to Shariah principles, confidence in the industry may decline. Therefore, consumer education should explain not only the religious terminology of Islamic banking but also the practical implications of different contracts, risk-sharing arrangements, fees, disclosures, and dispute-resolution mechanisms.

Public participation can also be strengthened through accessible complaint-handling mechanisms, consumer protection programs, financial literacy, and whistleblowing channels. Such mechanisms create an additional layer of social oversight that complements institutional supervision. The strengthening of consumer protection and public participation is consistent with OJK's broader mandate to promote a stable, inclusive, and trusted financial services sector. The role of public awareness is therefore not simply to increase knowledge but to create a participatory legal culture in which consumers understand their rights and responsibilities and are willing to report violations. This can increase the probability that regulatory violations, fraud, and Shariah non-compliance are identified at an early stage.

7. An Integrated and Risk-Based Model for Strengthening Enforcement

The findings and discussion above suggest that the solutions should ultimately be integrated into a comprehensive enforcement model. Strengthening legal substance without strengthening human resources will produce regulations that may be difficult to implement. Increasing supervisory personnel without improving technological infrastructure may not substantially improve monitoring effectiveness. Similarly, imposing stronger sanctions without strengthening legal culture and internal control may result in a reactive enforcement system that addresses violations only after they have occurred.

Therefore, the enforcement of Islamic banking law should be developed around an integrated, risk-based, Shariah-sensitive, and technology-enabled supervisory model. The model should begin with clear and adaptive regulation, continue through competent and independent supervisory institutions, and be supported by strong internal control, Shariah governance, risk management, digital monitoring, anti-fraud mechanisms, whistleblowing systems, consumer protection, and effective dispute resolution.

This approach is consistent with the direction of recent regulatory developments. OJK's POJK No. 2 of 2024 integrates Shariah compliance, Shariah risk management, internal Shariah audit, external review, and the role of the Shariah Supervisory Board within the governance framework of Islamic Commercial Banks and Islamic Banking Units. At the international level, IFSB-31 emphasizes that Shariah governance should be an integral component of institutional governance, with clear accountability at board and senior-management levels, adequate resources, competent personnel, effective communication, and continuous professional development.

The significance of this integrated approach is that Islamic banking law enforcement should no longer be understood merely as the process of identifying violations and imposing sanctions. It should instead be understood as a continuous governance process that prevents violations, identifies emerging risks, ensures compliance, corrects weaknesses, and imposes proportionate sanctions when necessary. Such an approach is particularly important given the continuing innovation and digital transformation of Islamic banking.

V. CONCLUSION AND RECOMMENDATION

This study concludes that the enforcement of Islamic banking law faces multidimensional challenges arising from the increasing complexity of Islamic banking products, limitations in human resources, differences in Shariah interpretation, inadequate supervisory infrastructure, and operational weaknesses in reporting, risk management, and law enforcement. These challenges demonstrate that effective Islamic banking supervision requires more than formal legal compliance; it requires the integration of legal, Shariah, institutional, technological, and risk-management perspectives.

To address these challenges, supervisory authorities need to strengthen the substance of Islamic banking regulations, improve the competence and capacity of supervisory institutions, and enhance coordination among OJK, DSN-MUI, Shariah Supervisory Boards, and other relevant stakeholders. At the institutional level, Islamic banks should strengthen Shariah governance, internal control, compliance functions, anti-fraud mechanisms, whistleblowing systems, and risk-based monitoring. At the same time,

supervisory infrastructure should be developed through integrated and technology-enabled systems, while public awareness and consumer participation should be strengthened to support transparency and accountability. Ultimately, effective enforcement of Islamic banking law requires a preventive, integrated, risk-based, and Shariah-sensitive supervisory approach. Strengthening legal substance, institutional capacity, legal culture, supervisory infrastructure, and public participation should be pursued simultaneously rather than independently. Such an approach is expected to enhance legal certainty, strengthen Shariah compliance, protect consumers, improve institutional accountability, and support the sustainable development and legitimacy of Islamic banking.

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