

## Role of the Auditor in an Islamic Economy\*

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**ABSTRACT.** Auditing in an Islamic framework would have wider scope than traditional auditing. In contemporary practice, the auditor is directly liable only to his clients, i.e. owners of the business being audited. He is not guided by religious principles; the quality of the managerial decisions, too, are not his concern. In the light of Islamic teachings and practice in early Islamic society, the auditor should be liable also to financiers, should assess management practices, and report on its compliance with *Shari'ah*, (e.g. fulfillment of contracts, honesty, avoidance of monopoly and extravagance). Hence, auditors must have good knowledge of Islamic law.

An Islamic Audit Foundation is proposed to evolve standards, train personnel and conduct auditing.

### Introduction

The main objective of this paper\*\* is to develop a general approach towards auditing in the Islamic framework. Our broad conclusion is that the traditional auditing theory and practice is ingrained in the Western secular capitalist framework. The Islamic approach, no doubt, would assimilate some of the prevalent techniques of auditing in Islam's worldview. But basically it should suit the institutional and socioeconomic infrastructure of the Islamic society. We have argued that the prevalent practices in auditing have evolved over centuries to serve the needs of the capitalist economy. Since the Islamic economic system is fundamentally different from the capitalist system it would be improper to adopt capitalist practices and institutions as they are. In the Islamic economic system they would undergo a basic metamorphosis. Another of our main conclusions is that the scope of auditing in Islamic framework is much larger as compared to the scope of traditional auditing. From the traditional concept of attest and authority it would expand to report on various social and economic aspects of business organization. This is derived from the basic values of Islamic society such as *amr bil ma'ruf wa nahy 'anil munkar*, (enjoining the proper and forbidding the improper), '*adl*

(justice) and *ihsan*. The expanded role of auditor is also a logical necessity of institutional set up that would emerge from financing business on *riba* - free basis and organizing business firms on the basis of *shirkah* and *mudarabah*. As a corollary the requirements of knowledge for the Muslim auditor would also increase. Similarly, the actual techniques to carry out audit would undergo a major change. This is not to deny the fact that the prevalent auditing theory and practice would have to be understood, analyzed and segregated for the *shari'ah* compatible elements before any meaningful effort is made to develop auditing in Islam.

The scheme of the paper is as follows:

In the first part we shall examine the evolution and approach of prevalent auditing and point out some of its inadequacies from the Islamic point of view. In the second part, we shall state the role of auditing in the Islamic framework. In the last part we shall discuss the need for setting up an Islamic Auditing Foundation.

## **I** **Contemporary Auditing and Islamic Framework**

The contemporary theory and practice of auditing evolved with the growth of capitalism in the West. As soon as we cross over to the age of industrial revolution from medieval ages, we witness the beginning of capitalist mode of production. The system of trade and craft guilds gave way to the establishment of small industrial units which employed newly discovered technology. With the pace of industrial revolution, the business enterprise also experienced a morphological change. Application of technological innovations and economies of scale accruing from mass production necessitated accumulation of large amounts of capital, which were difficult to arrange even by the wealthiest of the individuals. As a result, joint-stock companies came into being which employed capital of a large number of shareholders, besides borrowing capital which often exceeded the shareholders' capital. In the beginning joint-stock companies experienced failures, some of them quite disastrous, which slowed down the pace of growth of these companies. But gradually the theory of limited liability emerged and was recognized by the law. This spared the shareholders their personal belongings, lands, houses and rainy day savings, in case a joint-stock company failed. Such a company was stated to be 'incorporated' with a limited liability. This led to another phenomenon: separation of management and control. Those who provided finance remained away from day-to-day operations of the business and a class of professional managers arose. The managers practically decided policies and carried out the business.

Side by side, the modern concepts of auditing gained ground. There was an increasing necessity for an independent and impartial agency which could report to the owners of the business enterprise about correctness and truthfulness of its accounts. Thus, the role of modern auditor evolved along with the growth of the corporate sector. His duties and liabilities came to be clearly delineated. The case law of different countries added significantly to the definition of auditor's role in a modern capitalist economy. In the beginning there had been certain ambiguities and grey areas but gradually a consensus or a near-consensus has now emerged on the liability of the auditor.

From the above, it is obvious that the contemporary theory and practice of auditing is a logical requirement of the capitalist mode of production and its manifestation in the form of joint-stock company. This is not to suggest that the concept of auditing did not exist before the evolution of joint-stock company. Auditing was known in medieval ages and there is evidence of auditing of accounts in the 13th century. But the concept of auditing has undergone a substantial change since then. Auditing, in the beginning, was listening to the accounts by the owner and subsequently, by an agent of the owner employed as auditor. The auditor would examine the accuracy of the accounts and report against any fraud and embezzlements. In the American stream of evolution, however, the auditor's role took another route. Auditor's reports were relied on by the finance houses for evaluating credit-worthiness of the borrowers. It was expected of the auditor that he should give an independent opinion on the financial position of the business. Gradually, it has influenced the thinking about auditor's role almost all over the world. At present, the main objective of auditing is to report on the "truth and fairness of the financial position shown by the balance sheet, of the profit or loss shown by the profit and loss account and of any other information required to be disclosed in the financial accounts (Cooper, p.2)". The auditor also reports whether "proper accounting records have been kept by the company and as to whether the accounts are in agreement with those records (Cooper, p. 2)".

Moreover, the extent of auditors' examination is governed by any instructions which he receives from his client. Some of his secondary objectives are: (a) report on material irregularities resulting into errors, defalcations and frauds, (b) assistance in the establishment and maintenance of internal controls, (c) constructive advice on such matters as duplication of work, adequacy of staff, excessive paper work, mechanization etc. An auditor in the contemporary Western framework is appointed by the shareholders. His primary responsibility is towards them, although he is also liable to third parties to a certain extent (Cooper, p.7). The exact extent of an auditor's liability to third parties is yet to evolve but it is generally held that the auditor is liable to those persons who, acting on his certification of accounts, took a decision and then suffered a loss or damage because the certificate of the auditor was incorrect or he misrepresented the information disclosed by him (Cooper, p.488).

From the above discussion, certain general points can be inferred:

*First*, the auditor is directly liable to his clients, which are owners of an organization. He has no liability towards creditors or financiers of the business (except in the limited sense discussed above). It is not his liability to see whether the money extended by the lenders is safe and protected - or that other people's money has been utilized prudently.

*Second*, the auditor has no social obligations imposed by the norms of society. An organization may enter into such areas of business which may harm the collective interests of the society or lead to depletion of non-renewable resources, or add to ecological pollution or generate socio-economic externalities. The auditor has no responsibility to comment on these policies.

*Third*, the auditor reports on compliance with the secular laws of the land. He is not guided by any religious law. Nor has he to report on compliance with any revealed religious code, so that he has not to comment on the ethical aspects of policies and practices of an organization.

*Fourth*, the auditor is not responsible to report on the prudence and propriety of policies of an organization.<sup>1</sup> The organization may handle its affairs in any manner it chooses and its decisions may lead to unwise and improper actions but the auditor is not required to comment on them.

It is obvious from the above discussion that the role of auditor in the traditional capitalist framework is restricted to certification of accounts and expression of opinion on the financial position of a business organization. The business firms operate in the socio-economic set up and their practices and policies make an impact on various segments of the society. The auditor is an agent who has direct access to records of an organization and by virtue of his independence has the ability to comment on socio economic impact of management practices. But in the capitalist society the auditor's role does not extend to the examination of management practices and their impact on the society. The business firms are not considered accountable for ethical, social or economic consequences of their practices. As a result, there is hardly any outside restraint on the activities of business organizations. There is no agency in capitalism which may regulate the behavior of business organizations according to the broader ethical and socio-economic goals of the society. We think in the Islamic economy this important role has to be played by the auditor. It may be argued that in the Islamic economy, the *muhtasib* has traditionally regulated the business organizations. Therefore, in the contemporary context the department of *hisbah* may be organized to carry out the above role. We think that this would not be a proper approach in the present circumstances. The business organizations have grown in complexity and their activities extend to a vast area. Because of complexity of their operations the *muhtasib* may not be able to play an effective role while the auditor who has an access to records and documents of the business can be expected to discharge this responsibility effectively. It may be added that a number of functions performed by the *muhtasib* in the past are being performed these days by other regular government departments and agencies (Khan, pp.147-148). It would, therefore, not be improper if some of his functions are assumed by the auditor. No doubt, this would expand the traditional role of the auditor but it would be in conformity with the Islamic world-view. The need for expansion in the role of auditor has also been realized by the capitalist world. Consequently, various brands of 'value for money' auditing are being evolved in different countries. The expansion in the scope of audit under capitalism is to realize the broader goals of that system. A similar expansion in this scope in the Islamic perspective is not only natural but also imperative.

## II

### Role of Auditor in an Islamic Framework

In the Islamic framework the auditor's role will be defined by the following general principles:

#### ***1. Auditor's Liability Towards Outside Financiers***

The auditor's liability to outside financiers in the Islamic framework is enhanced by specific institutional setup of the economy. In the Islamic economy interest-bearing finance is not available to the business. All finance is risk capital in the form of equity capital or *mudarabah* capital for different maturities.<sup>2</sup> The outside financiers who provide capital on *mudarabah* on the basis of profit-loss sharing will need an extended assurance from an independent agency that the profit (or loss) declared by the management is true and correct. In the absence of such an assurance, the outside finance shall be extremely shy. It would simply make the operation of interest-free financing impossible. In these circumstances who could be looked up for reliance other than the auditor? In the capitalist framework the interest of outside financier is protected by predetermined interest charges. The auditor makes sure that the final figure of profit (or loss) is arrived at after providing for interest on all loans and financial obligations. In the absence of interest, the determination of true profit (or loss) becomes crucial for the outside financiers as well. It is to them that the auditor will owe a responsibility.

Determination of profit or loss is a subjective and value-laden area in a business organization. The ultimate figure of profit depends on a number of decisions such as rates of depreciation on different assets, valuation policies of stocks, amortization of intangible assets, charging of deferred payments to current operational income, apportionment of profits into reserves and dividends, etc. In the capitalist framework these questions are decided by the management and the auditor reports compliance on them. But in the Islamic framework standards may have to be devised for the determination of profit or loss for different categories of trade and industry. Due care would be taken to arrive at a judicious and consistent figure of profit (or loss) so that interests of outside financier are also protected. In the absence of fixed predetermined rate of interest, the financiers may be left at the mercy of the management to declare a profit (or loss) in the manner they like. The prevalent standards of morality and integrity in Muslim countries suggest that the auditor would have to operate in an extended field to verify an accurate and just figure of profit (or loss), which may not be a strict compliance of the management's policies. It would be an outsider's view - a third party opinion on the operations of the business organization. If the Islamic framework does not provide for such a role of the auditor, it would not fetch necessary confidence and support of the masses.

#### ***2. Assessment of Management Practices***

As stated above the business firms would acquire outside finance on the basis of *shirkah* or *mudarabah*. The financiers would also require an assurance that the firms acquiring these funds would manage them with due regard for economy, efficiency and effectiveness. In the absence of such an assurance the financiers may not be willing to

provide capital for fear of gross mismanagement. The funds provided on the basis of *shirkah* and *mudarabah* do not have any predetermined cost in the form of interest. As a result the likelihood of misutilization of these resources increases. Part of assurance which the financiers can have of the proper management of these resources will come through an independent examination of the business processes and practices. Such an independent examination will be made by the auditor. It is, therefore, important that the auditor in the Islamic framework would extend his examination to the management of resources as well. The audit criteria for such an examination would be derived from the generally accepted management practices. Of course, in the Islamic economy these practices would also undergo certain changes in the light of the *shari'ah* law and values. As a corollary, it is implied that such an examination would require exposition of standards for business management in the Islamic framework. These standards would be utilized by the auditor for his examination. As stated earlier, traditionally it is not part of the statutory responsibility of the auditor to examine and report on the management of resources. Only recently, various shades of 'value for money' auditing have emerged, which have expanded the scope of auditing considerably. The expansion in the scope of auditing is taking place in the capitalist framework as well. In the Islamic economy, the basic framework would undergo a change although the concept of expansion in the scope may be similar to the one being evolved in the capitalist framework. It may be added that the 'value for money' auditing is being applied, mainly, to public sector organizations where the ownership of resources is impersonal as compared to business firms where the owners exercise direct control on the management. But in the Islamic framework, the outside financiers of business firms would not have direct control over management. Therefore, they would require an independent examination of the management processes and practices to satisfy themselves that their funds are not being squandered away willfully or handled negligently. Thus the auditor's role in the Islamic economy would expand to include assessment of resource-management even in the private sector.

### **3. Compliance with the *shari'ah***

Another added responsibility of the auditor in the Islamic framework would be to report on compliance with the *shari'ah* by the business firms. Compliance with the *shari'ah* implies observance of *shari'ah* laws as well as such ethical standards which can be derived in the Islamic framework and which are upheld socially. Thus, in the present age, the auditor may be required to report on the extent to which a business organization generated social externalities, added to environmental pollution, depleted non-renewable resources or undertook illegal operations. Of course, this would require development of suitable audit criteria. But since the business firms cause far-reaching impacts on the society by their decisions, it will be imperative that some independent opinion on their activities is formulated. In the capitalist framework there is hardly any accountability of business firms on social or ethical grounds. If business firms have to follow the discipline imposed by the *shari'ah* they must be accountable for their activities in a broader framework.

The specific areas in which the auditor would report are enumerated below by way of example. The list may have to be adjusted in the light of social consensus.

- a) *Bakhs*. The auditor would be required to report on the extent of *bakhs* practiced by the auditee. *Bakhs* literally means to decrease; to diminish; to reduce. But the Qur'an has used this term to indicate any voluntary effort to diminish or decrease the value of the product being sold. The Qur'an has admonished the people of the prophet *Shu'aib* for *bakhs* since they caused a loss to the buyer by reducing the value of the merchandise (7:85). *Bakhs* would, therefore, include adulterations in food, changes in specifications of ingredient and raw-material or modification in the production formulae that may result into decrease in the quality of the product.
- b) *Tatfif*. The auditor would investigate into the extent of *tatfif* exercised by the auditee. *Tatfif* is a Qur'anic term which stands for causing damage to the other party in weights and measures (83:1-2). It suggests taking-in an excess measure and giving-out a short measure. The auditor would report on the extent the organization adhered to the *shari'ah* injunction of '*awful mikyal wal mizan* (give a full measure and weight). He would check the accuracy of the weights and measures and in case of packed material would testify, to as far an extent as possible, that these packages weigh and measure the quantity stated on them.
- c) *'Uqud*. The auditor would investigate into the extent the business firm kept to its '*uqud* (contracts). Keeping of contracts has been emphasized in the Qur'an at a number of places (5:1). The auditor would look into various contractual commitments of the auditees towards customers, suppliers, debtors, creditors and the state. His report would point out areas of neglect and non fulfillment of obligations.
- d) *Ihtikar*. The auditor would check the extent of *ihtikar* (hoarding) practiced by an organization. Hoarding of foodstuffs has been prohibited by the Prophet (peace be upon him), explicitly (Muslim, *Kitab al MUSAQAT wal MUZARA'a*, number 157). By analogy to foodstuffs, hoarding of other articles with the intention of causing scarcity and bidding up prices artificially may also be treated as *ihtikar*. The auditor would express his opinion on the extent an organization practised *ihtikar*.
- e) *Khiyanah*. The auditor would point out areas of *khiyanah* in the affairs of the organization. It does not include merely embezzlements of funds but also falsification of accounts, bogus insurance claims, tax evasions, window dressings, and mis-statement of accounts.
- f) *Israf*. Another area of auditor's investigation would be the extent of *israf* (extravagance) which an organization practiced. *israf* has been condemned by the Qur'an as an undesirable behaviour for individuals (e.g. 6:41). This can be extended to cover the behavior of firms as well. *Israf* is a socially determinate concept. The state and other institutions (such as chamber of commerce and industry) may lay down desirable scales of office furnishing, business banquets and social functions. These would be guidelines for the auditor to comment on the propriety of expenditure by an organization.

g) *Tanajush*. The auditor would also look into the extent of *Tanajush* (bidding up prices in auction by planting a fake bidder) that an organization practiced. *Tanajush* has been prohibited by the Prophet, (peace be upon him) explicitly (Muslim, *Kitab al-Buyu*, number 13).

In these days various forms of artificial bidding up of prices are in vogue.

Business firms get together to create conditions of monopoly and monoposony. The general prohibition of *Tanajush* can be safely extended to cover many such practices. The oligarchic collusion of business organizations may lead to a number of socio-economic distortions. The auditor would investigate into the various inter-firm agreements and would point out where attempt of collusion led to socio-economic harm.

h) *Speculation*. While auditing the accounts of financial institutions, the auditor would report on the extent of credit extended by these organizations for speculative purposes. He would also examine and report on disguised *riba*. He would try to unveil all such malpractices which the *shari'ah* has banned in the *bai' al sarf* (exchange of money for money).

#### **4. Reporting on *ihsan***

Socio-economic values of the Islamic economy include *ihsan* (Ahmad, Z. pp.343-55). *Ihsan*, in turn, is a cluster of various values such as *amanah*, (honesty), *ithar* (sacrifice) *ta'awun* (cooperation), *sabr* (patience), *shukr* (thanksgiving) *tawakkul* (trust), *infaq* (spending), and *silatur rahm* (joining of kinship ties), etc. Business organizations undertake philanthropic and socio-cultural activities even in capitalist economies. In an Islamic economy, the adoption and promotion of *ihsan* is one of the requirements of the *shari'ah*. Auditors in the Islamic framework would report on the extent an organization adhered to these concepts and propagated them over and above its principal operations.

#### **5. Determination and Payment of Zakat**

Payment of *zakat* is an obligation on those who own wealth beyond the exemption limit (*nisab*). The Prophet, (peace be upon him) said: "zakat should be collected from the rich and distributed among the poor ..." (Muslim, *kitabul Iman*, number 29). Thus the obligation of *zakat* on the rich is because of their wealth. On the basis of this general rule it is agreed that business firms are also subject to *zakat*, although the exact method of its calculation needs reconsideration (Zarqa, pp.89-92). It will be one of the responsibilities of the auditor in the Islamic economy to report that *zakat* has been calculated correctly and paid into the public zakat fund or spent properly on one of the eight heads of account specified in the Qur'an (9:60). Thus the auditor would watch the interest of the poor people in the society.

##### *Knowledge Requirements for a Muslim Auditor*

The auditor would have to play an extended role in the Islamic economy. He would be operating in the wider social orbit advising management on efficiency, helping state in *amr bil ma'ruf wa nahy 'anil munkar* and protecting the interests of third parties such as customers and suppliers. Such an expanded role can hardly be played by the extant mode and level of training of auditors. The auditors would require training in at least the following disciplines:

- i) Accounting, business organization and finance.
- ii) Theory and practice of management.
- iii) Islamic *fiqh* and *usul al-fiqh*, at least, those portions of *fiqh* dealing with business and commerce.
- iv) Auditing, theory and practice.

It need not be stressed that the present concepts and practices in accounting, auditing, finance and management would undergo a change in the Islamic framework. These disciplines would also be rewritten in the light of Islamic world-view. This requires sustained and innovative effort over an extended period of time. To the extent we do not want to be trapped by the capitalist concepts and institutions, we shall have to tread on an arduous path.

### **III Islamic Auditing Foundation**

It would be obvious from the role of auditor described above that he would be at a great disadvantage if the current practice of appointment and payment for the audit services remains a responsibility of his clients. It would impair the independence of the auditors to a large extent. Therefore, it is proposed that an independent organization known as Islamic Auditing Foundation (IAF) be established with the following functions and responsibilities:

- i) The IAF would lay down auditing standards for the auditors in the Islamic framework.
- ii) It would evolve general standards for economical, efficient and effective business management.
- iii) It would develop training courses, training materials and audio-visual aids for the auditors in accounting, auditing and other allied disciplines.
- iv) It would nominate and pay for auditors of business organizations registered with it.
- v) It would receive donations from business organizations which would be in lieu of the audit fees they would have paid themselves to the auditors. The donations would be large enough to cover part of the administrative costs of the IAF.
- vi) Qualified auditors would be disallowed by a statute to accept any appointment directly from any business organization registered with the IAF.
- vii) All business organizations should be registered with the IAF.

### **IV Concluding Remarks**

The above discussion implies that the role of auditor would expand considerably in the Islamic framework. This is partly because of the specific nature of business organization and partly because of the responsibility that the Muslim auditor owes to the society at large. We have tried to develop a general approach towards auditing. A formal statement of objectives, scope and methods would require concerted efforts of the professional auditors and accountants. Along with the change in the scope of auditing major changes would also take place in accounting methods, extent of disclosure and reporting patterns. Accounting standards in the Islamic framework would

have to be developed in due course of time. It may be added, however, that a proper development of auditing in Islamic framework presumes generous borrowing from other fields of knowledge. Even traditional auditing has always borrowed. The process of interaction of different disciplines will only expand in this context.

### Notes

- \* This is a refereed and revised version of the author's paper 'Auditing in Islamic Framework' published in the *Hamdard Islamicus* (Karachi) Vol. VIII, Number 4, Winter 1985. The emergence of Islamic financial institutions has made a review of the auditor's role specially relevant. [Editors].
- \*\* I have made maximum use of the comments of two anonymous referees and those of the editor on an earlier draft of this paper. My thanks are due to all of them. Any shortcomings of the paper are, however, my sole responsibility.
- (1) It excludes the government auditor, who examines the regularity and propriety of expenditure as veil. But the government auditor too is guided by the standards of financial propriety evolved in a capitalist framework.
- (2) The present writer does not consider financing on mark-up basis as Islamic because of its close affinity with interest. Similarly, financial leasing, in the view of the present writer is not free from doubt. Discussion on these modes of financing is beyond the scope of this paper. However, see present writer's paper "Islamic Banking in Pakistan" *Minhaj*, Lahore (April '85) (Urdu).

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## دور مراجع الحسابات في اقتصاد إسلامي

محمد أكرم خان

المدير العام لمراجعة الأداء بمكتب المحاسب العام، الحكومة الباكستانية

**المستخلص :** إن مراجعة الحسابات هي أوسع نطاقاً في اقتصاد إسلامي عما هو معتاد، لأنها تشمل الجوانب الاجتماعية والاقتصادية للمشروع. ففي الممارسات المحاسبية المعاصرة، يعد المراجع مسؤولاً تجاه زبائنه - أي مالكي المشروع - الذي تتم مراجعته دون دائني ذلك المشروع، كما أنه ليس عليه التزامات اجتماعية، ولا يستهدي بأية مبادئ دينية. أضف لذلك أنه لا يُعنى بتمحيص نوعية القرارات الإدارية في المشروع.

ويبين هذا البحث أنه في ضوء تعاليم الإسلام والتطبيقات العملية في صدر الإسلام، فإن المراجع مسؤول أيضاً اتجاه ممولي وعليه أيضاً تقويم نوعية التصرفات الإدارية، والإبلاغ عن مدى التقيد بالأحكام الشرعية كالوفاء بالعقود، والأمانة، وعدم الاحتكار والإسراف. فلا بد للمراجع إذن من معرفة جيدة بفقهاء المعاملات.

ويقترح البحث إنشاء مؤسسة إسلامية لمراجعة الحسابات تقوم بتطوير المعايير وتدريب الكوادر وممارسة المراجعة. وينبغي تمويلها من تبرعات رجال الأعمال وليس من رسوم تتقاضاها من زبائنها.