

TRUSTWORTHINESS IN PUBLIC SERVICE

Legal Principles and Mechanisms for Oversight
and Accountability in Order to Protect
Public Funds and Achieve Good Governance



Trustworthiness



Public Funds



Oversight



Accountability



Good Governance



Public office
is a trust,
and public funds
are a responsibility
before Allah
and the people.

DAR AL THANI

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Abstract

This study examines the concept of trustworthiness in public service as one of the fundamental principles governing the exercise of public authority and the management of public funds. It proceeds from the premise that holding public office is not a personal privilege, but rather a responsibility that imposes duties upon officeholders toward society and the state. The study seeks to clarify the Islamic legal foundations of trustworthiness and its relationship to public responsibility, while analyzing various forms of breach of trust, including financial and administrative corruption, abuse of authority, and misappropriation of public funds. It also examines the mechanisms of oversight and accountability designed to safeguard public office against misconduct, ultimately exploring how trustworthiness can be transformed from a religious and ethical value into a legal and institutional framework governing the exercise of authority and the management of public resources.

Chapter One examines the concept of trustworthiness and its Islamic legal foundations in public service by exploring its meaning in the Qur'an and the Prophetic Sunnah and its relationship to responsibility and the discharge of public duties. It then considers public authority and public office as trusts that require responsibilities to be entrusted to individuals possessing the necessary competence and integrity, free from favoritism, nepotism, and personal interests. The chapter also addresses the obligations incumbent upon rulers and public officials, foremost among them the administration of justice, protection of rights,

safeguarding of public funds, and careful selection of those entrusted with the affairs of the state.

Chapter Two addresses public funds and corruption as a test of trustworthiness. It examines the nature of public funds, the prohibition against their unlawful appropriation, and the principles governing their collection, expenditure, and management, on the basis that such funds are allocated to serve the public interest and do not constitute the personal property of rulers or public officials. The chapter also reviews the principal forms of misconduct involving public funds, including embezzlement, bribery, waste of public resources, misuse of state property, inflated contracts, and the improper granting of privileges. It further discusses administrative and financial corruption as breaches of trust, together with related practices such as abuse of authority, favoritism, conflicts of interest, and illicit enrichment, as well as their consequences for the state, society, and public confidence in institutions.

Chapter Three examines accountability and oversight as two essential safeguards for preserving trustworthiness in public service. It explores the relationship between authority and responsibility and the principle that every person entrusted with public office must be held accountable for the manner in which the powers and resources placed at their disposal are exercised and managed. The chapter reviews the various forms of political, administrative, financial, and judicial accountability, as well as the principal oversight mechanisms, including the judiciary, parliamentary oversight, financial and auditing bodies, anti-corruption institutions, and internal administrative controls. It also considers the consequences of breaches of trust, ranging from removal from office and accountability proceedings

to the recovery of public funds, compensation for damages, and legal sanctions, while emphasizing the importance of preventing impunity.

Introduction

Trustworthiness assumes particular importance in the sphere of public service, given the powers, authority, and resources placed at the disposal of those entrusted with the affairs of the state for the purpose of serving society and advancing the public interest. As the functions of the state expand, its institutions become more complex, and the volume of resources under its management increases, so too does the need for rules that regulate the exercise of public authority and prevent its use for purposes other than those for which it was conferred.

The significance of this subject also stems from the fact that public office empowers its holders to exercise functions that may directly affect individuals' lives and rights, whether through the management of public funds, the conclusion of contracts and public procurement agreements, the granting of licenses and privileges, the implementation of public policies, or the adoption of administrative decisions. Accordingly, sound performance in public office depends not only on the competence of public officials, but also on the existence of rules capable of preventing the powers associated with public office from being exploited for personal, family, or group interests.

The issue becomes even more significant when considering the consequences of the misuse of public office. Such consequences are not limited to financial losses resulting from embezzlement or the waste of public resources, but extend to favoritism, bribery, abuse of influence, conflicts of interest, and other practices that undermine the fairness of decision-making, equality of opportunity, and institutional efficiency. The prevalence

of such practices also impairs the state's ability to perform its functions, weakens public confidence in administrative, oversight, and judicial institutions, and constitutes an obstacle to development and the optimal use of resources.

Against this background, trustworthiness in public service must be approached within a framework that extends beyond individual conduct to encompass its legal and institutional dimensions. Public powers must be subject to clearly defined limits, decisions must be open to oversight, and those entrusted with public affairs must be held accountable for their actions in accordance with established rules. This objective cannot be achieved through religious and ethical commitment alone; it also requires a legal and institutional framework that regulates the exercise of public authority, defines responsibilities, and provides effective mechanisms of accountability in cases of misconduct.

Such a framework encompasses judicial independence, financial and administrative oversight, the review of public contracts and procurement procedures, the regulation of conflicts of interest, asset disclosure where appropriate, measures to combat illicit enrichment, and the protection of whistleblowers, alongside clear rules governing transparency and accountability. The importance of these mechanisms lies in their capacity to transform the principles governing public service from abstract obligations into enforceable rules and procedures whose implementation and observance can be effectively monitored.

Chapter One: The Concept of Trustworthiness and Its Islamic Legal Foundations in Public Service

1. The Concept of Trustworthiness in Islam

Trustworthiness stands among the foremost values commanded and strongly encouraged by Islam, given its importance in guiding individual conduct, safeguarding rights, and regulating relations within society. Trustworthiness is not confined to safeguarding deposits and property; rather, it encompasses everything entrusted to a person in the form of rights, duties, and responsibilities, whether relating to personal affairs or to the interests of others. It therefore carries a broad meaning that extends across the various dimensions of both private and public life.

Linguistically, the Arabic term *amanah* (trustworthiness or trust) is derived from *amn*, meaning security and the absence of fear, and is associated with reassurance, confidence, and faithfulness. A person is said to entrust another when they place confidence in that individual and commit to their care something that could otherwise be lost, neglected, or misused. In its technical sense, *amanah* refers to a person's obligation to duly perform the rights and duties entrusted to them, to safeguard them, and to refrain from using them in a manner inconsistent with the purpose for which they were entrusted. From this perspective, trustworthiness extends far beyond the mere protection of material possessions; it encompasses the fulfillment of duties, observance of commitments, protection of rights, and proper discharge of the responsibilities entrusted to an individual.

The Qur'an accords trustworthiness a prominent place and explicitly commands that trusts be duly fulfilled. Allah Almighty says: "Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice." The association between rendering trusts and judging with justice demonstrates the breadth of the concept, encompassing both private and public rights, as well as matters relating to the administration of people's affairs and the protection of their interests. Allah Almighty also says: "Indeed, We offered the Trust to the heavens and the earth and the mountains, and they declined to bear it and feared it; but man undertook to bear it." This verse illustrates the magnitude of the obligations borne by human beings and the consequences attached to their fulfillment.

The Prophetic Sunnah reinforces this understanding by closely linking trustworthiness with responsibility and accountability. The Messenger of Allah ﷺ said: "Each of you is a shepherd, and each of you is responsible for his flock." A person is not deemed trustworthy merely because a matter or right has been placed in their hands; rather, their faithfulness to the trust is demonstrated by the manner in which they discharge the duties assigned to them and accept responsibility for the consequences of their actions. In this sense, trustworthiness and responsibility are inseparably connected: trustworthiness determines what must be safeguarded and duly performed, while responsibility concerns the manner in which those duties are carried out and the accountability arising from any failure to fulfill them.

Islam also warns against betraying or misusing trusts for personal benefit. Allah Almighty says: "O you who have believed, do not betray Allah and the Messenger or

betray your trusts while you know [the consequence].” A breach of trust occurs whenever something entrusted to a person is used contrary to its intended purpose, whenever private interest is placed above a right or duty that must be fulfilled, or whenever the confidence placed in an individual is exploited to pursue an objective for which that confidence was not granted.

The consequences of breaching trust become particularly serious when the rights and interests of the public are involved, because the resulting harm is not confined to the individual responsible but may extend to large segments of society, affecting the equitable distribution of rights, the proper management of resources, and the integrity of institutions. Trustworthiness therefore constitutes a fundamental principle governing the exercise of public responsibilities. It combines the duty to perform entrusted obligations, safeguard rights, and bear responsibility for one’s actions, while preventing public authority, funds, or powers entrusted to an individual from being transformed into instruments of personal benefit at the expense of the rights and interests of others.

2. Public Authority and the Requirements of Trustworthiness

In Islamic jurisprudence, *public authority (wilayah ‘ammah)* refers to assuming responsibility for an aspect of the affairs of the Muslim community, together with the powers vested in the officeholder to administer the interests falling within the scope of that authority. Forms of public authority vary according to the nature of the

responsibilities entrusted to the officeholder and include governance, the judiciary, administration, and other functions related to the management of society's affairs. The fundamental principle underlying such authority is that the powers conferred upon an officeholder are inseparably linked to the purposes for which they were granted. Such powers are therefore not absolute, but are constrained by Islamic law and by the requirement to serve the public interest.

Public service falls within this framework as a means of serving society and carrying out the functions undertaken by the state. Holding public office therefore constitutes a responsibility that imposes specific duties upon the officeholder, rather than merely conferring status or influence. A public official exercises defined powers on behalf of a public authority, and those powers remain tied to the responsibilities assigned to the office. They may neither be exceeded nor used to pursue purposes unrelated to the proper performance of official duties.

The appointment of individuals to positions of public authority requires careful consideration of their qualifications and their ability to fulfill the responsibilities of office. The Qur'an brings together two essential criteria for selection in the words of Allah Almighty: "Indeed, the best one you can hire is the strong and the trustworthy." Strength in this context encompasses the ability and competence necessary to perform the assigned duties, while trustworthiness ensures that such ability is exercised properly and for its intended purpose. The combination of these two qualities establishes a balance between the capacity to perform effectively and confidence in the proper exercise of entrusted authority.

Making qualification and merit the basis for appointment requires excluding considerations unrelated to the requirements of the position, such as kinship, favoritism, and personal loyalty, whenever these result in preferring a less qualified individual over a more deserving candidate. The Prophetic Sunnah warns against entrusting responsibilities to those who are unqualified. The Prophet ﷺ said: “When trust is lost, then await the Hour.” He was asked, “How will trust be lost?” He replied: “When authority is entrusted to those who are unfit for it, then await the Hour.” This hadith highlights the close relationship between sound appointment practices and the proper administration of public affairs, since dysfunction in public office may begin even before the exercise of its functions when appointments are not based on merit and competence.

The distinction between authority understood as a trust and authority regarded as a personal privilege lies primarily in the purpose for which it is exercised. In the former case, public powers are instruments for carrying out defined responsibilities and achieving legitimate public interests, and the officeholder remains bound by the limits of their jurisdiction. In the latter, authority becomes a source of personal influence and private benefit, thereby eroding the distinction between the requirements of public office and the personal interests or desires of the officeholder.

The Prophetic Sunnah also emphasizes the gravity of public authority and the responsibilities arising from it. The Messenger of Allah ﷺ said to Abu Dharr, may Allah be pleased with him: “O Abu Dharr, you are weak, and it is a trust. On the Day of Resurrection, it will be a cause of disgrace and regret, except for one who takes it up with a full sense of responsibility and duly fulfills what is

required of him.” This hadith places public office within its proper framework: its value lies in the faithful discharge of the obligations it entails, rather than in the authority, influence, or status it confers upon its holder.

Accordingly, the Islamic conception of public authority and public service is founded upon entrusting responsibilities to those who possess the necessary qualifications, linking public powers to the specific duties for which they are conferred, and preventing public office from being transformed into a source of personal benefit or a means of favoring relatives and loyal associates. This establishes a standard for the administration of public affairs in which merit, competence, integrity, and proper performance rank among the foremost considerations governing both the appointment of public officials and the exercise of their authority.

3. Trustworthiness in the Exercise of Governance

The exercise of public authority imposes upon a ruler a range of obligations commensurate with the breadth of his powers and the impact of his decisions on society. He bears responsibility for managing the affairs of the state, safeguarding the interests of the people, and ensuring the proper functioning of its institutions. This responsibility is not confined to actions he undertakes personally; it also extends to directing state institutions, supervising those entrusted with their administration, and taking the necessary measures to prevent negligence, misconduct, or abuse in the exercise of public powers.

Safeguarding the interests of the people stands foremost among these obligations. The Prophetic Sunnah establishes this principle in the words of the Messenger of Allah ﷺ: “The ruler is a shepherd and is responsible for his subjects.” The ruler is therefore accountable for the decisions and policies falling within the scope of his authority. He must take into consideration their effects on people’s lives and ensure that protecting their interests and advancing the public good remain the ultimate purposes for which authority is exercised.

Closely connected to this responsibility is the duty to uphold justice and protect rights. Sound governance is incompatible with discrimination among people, the denial or obstruction of their rights, or the granting of privileges to particular groups without a legitimate basis. Allah Almighty commands justice, saying: “Indeed, Allah commands justice and excellence.” Justice is not confined to the adjudication of disputes; rather, it extends to legislation, administration, the allocation of resources, and the equal application of rules to all without favoritism.

The ruler’s obligations also include safeguarding public funds by establishing rules governing their collection and expenditure, subjecting their management to effective oversight, and supervising the authorities responsible for administering them. The ruler’s responsibility in this regard is institutional in nature and requires the establishment of mechanisms capable of preventing waste and abuse, while ensuring that public resources are directed toward the purposes for which they were allocated.

Another fundamental responsibility is the proper selection of those entrusted with managing public affairs. Appointments to public office should be based on merit, competence, and the ability to perform the duties of the position. This obligation does not end with the initial appointment; it extends to monitoring the performance of public officials, evaluating their conduct, and replacing those who prove incapable of fulfilling their responsibilities or who breach the requirements of their office.

The ruler is also responsible for preventing the abuse of authority and influence within state institutions. This requires establishing rules that clearly define the scope of official powers, prevent conflicts of interest, and prohibit the use of public office for private benefit, while ensuring that offenders are held accountable regardless of their status or proximity to those in power. Responsibility in this context is therefore not limited to the ruler refraining from abusing his own authority; it also encompasses the creation of an institutional environment capable of limiting and preventing abuses of power by others.

The ruler's responsibility further extends to supervising the conduct of officials and public servants operating under his authority, since the delegation of powers does not relieve him of the duty of oversight to the extent required by the nature of his office. This principle is illustrated in the Prophetic Sunnah through the Prophet's ﷺ supervision of officials whom he appointed and his holding them accountable for their conduct. One example is the hadith of Ibn al-Lutbiyyah, whom the Prophet ﷺ appointed to collect *zakat*. Upon returning, he said: "This is for you, and this was given to me as a gift." The Prophet ﷺ objected to his acceptance of what he had

received by virtue of his official position. This demonstrates that the responsibility of leadership does not end with the appointment of officials, but also requires oversight of the manner in which they exercise the authority entrusted to them.

Taken together, the ruler's obligations combine the proper administration of state affairs with effective supervision of those entrusted with carrying them out. The broader the scope of authority, the greater the need for safeguards capable of preventing arbitrariness, negligence, and abuse. Accordingly, the effectiveness of governance is measured not merely by the capacity to issue decisions, but by the extent to which justice is upheld, rights are protected, public officials are properly selected, public resources are safeguarded, and an effective system is maintained to ensure that those who exercise public authority remain subject to oversight and accountability.

Chapter Two: Trustworthiness in the Management of Public Funds and the Fight Against Corruption

1. The Concept and Inviolability of Public Funds

Public funds refer to the entirety of assets, rights, and resources placed at the disposal of the state or any of its institutions and allocated to serving society, operating public services, and achieving public purposes. This concept is not limited to monetary assets held in the public treasury; rather, it encompasses real estate, movable property, public facilities, natural resources, revenues, financial rights, and other resources forming part of the public estate or designated for public use.

Public funds differ from private property in both their nature and the purpose for which they are used. Private property grants its owner the right to use and dispose of it within the limits prescribed by Islamic law, whereas public funds are connected to the rights and interests of the community. Those entrusted with their administration may therefore not treat them as an owner would treat personal property. Public funds are also subject to specific rules governing their management, expenditure, and protection, given that they embody rights and interests extending beyond those of any individual to society as a whole.

Islam has affirmed the inviolability of people's property and prohibited its unlawful appropriation. Allah Almighty says: "And do not consume one another's wealth unjustly or send it [in bribery] to the rulers in

order that [they might aid] you [to] consume a portion of the wealth of the people in sin, while you know [it is unlawful].” If the inviolability of property is firmly established with regard to private wealth, the misappropriation of public funds has even broader consequences, since the resulting harm affects the rights and interests of large segments of society and may impair the state’s ability to fulfill its obligations.

Funds placed under the authority of a ruler, public official, or public employee do not constitute their personal property. Their authority over such funds is limited by the purposes for which those funds have been allocated. The power to authorize expenditure, administer public property, or manage public resources does not create any personal entitlement to them; rather, it confers a defined legal authority to manage them in accordance with the applicable rules. It is therefore essential to maintain a clear separation between the financial assets of the state and the private assets of those entrusted with their administration, so that public funds are neither commingled with personal property nor used to advance private interests.

The duty to safeguard public funds extends to the full range of state resources, whether financial, real estate, or natural, as well as to property, equipment, and facilities acquired or established using public funds. Protecting such resources is not limited to preventing their direct appropriation; it also requires avoiding negligence, waste, and misuse, ensuring the sustainability of resources, and preventing their depletion in ways that could undermine the future interests of society.

Public expenditure is subject to a number of essential safeguards. Foremost among them are the existence of a lawful basis authorizing expenditure, the allocation of funds to approved purposes, due consideration of public needs and priorities, proportionality between expenditure and its expected benefit, and proper documentation of financial transactions in a manner that allows them to be reviewed and audited. Sound public spending also requires avoiding extravagance and unnecessary expenditure. Allah Almighty says: “And do not be wasteful; indeed, He does not love the wasteful.”

The public nature of these funds consequently means that the authority to dispose of them is not unlimited. Rather, it is subject to restrictions relating to the source of the funds, the purposes for which they have been allocated, and the objectives of their expenditure. Safeguarding public funds therefore extends beyond protecting them from unlawful appropriation; it encompasses the proper collection of revenues, prudent and efficient use of resources, allocation of expenditure according to established priorities, and the subjection of financial transactions to rules that ensure public funds remain devoted to the purposes for which they were intended.

2. Forms of Misappropriation and Misuse of Public Funds

Misappropriation and misuse of public funds can take many forms and are not limited to their direct appropriation. They may also involve practices carried out through procedures that appear formally lawful but,

in substance, divert public resources or benefits toward private interests or impose costs on the state that are unsupported by genuine need or fair consideration. The seriousness of such practices varies according to the scale of the resulting harm and the nature of the powers used to commit them.

Embezzlement and unlawful appropriation are among the most direct forms of misconduct involving public funds. They occur when a person who has custody or control of public funds by virtue of his official duties takes part of those funds for himself or another person, or disposes of them without lawful authorization. Islamic law warns against public officials taking anything beyond the remuneration to which they are entitled. The Prophet ﷺ said: “Whoever we appoint to perform a task and provide with remuneration, whatever he takes beyond that is *ghulul* [unlawful appropriation].”

Bribery differs from direct appropriation in that it involves offering money or another benefit in order to influence a decision or procedure, or to obtain an advantage to which the person concerned is not entitled. Its harmful effects are not confined to the payment itself, but extend to the consequences it produces, such as the improper award of a contract, granting of a license, waiver of an obligation, or preferential treatment of one person over another without legitimate justification. The Prophet ﷺ said: “The Messenger of Allah cursed the one who gives a bribe and the one who receives it.”

Misuse of public funds may also take the form of wasting public resources without the responsible person necessarily obtaining any direct personal benefit. Examples include the waste of public property,

expenditure on projects or activities of no genuine value, purchasing supplies in quantities exceeding actual requirements, or allowing public assets to deteriorate through negligence. The seriousness of such conduct lies in the fact that the resulting losses are borne by the public treasury even where no direct personal gain accrues to the official responsible.

Another practice with potentially significant financial consequences is the inflation of the value of public contracts and projects. This may occur through prices exceeding actual market value, exaggerated estimates of quantities or costs, the inclusion of unnecessary works or services, or acceptance of goods or services whose value is disproportionate to the amount paid by the state. Such practices become particularly serious when accompanied by collusion between public officials and contractors, as the public contract is then transformed from an instrument for meeting a legitimate public need into a channel for draining public resources.

The misuse of state property for personal purposes also constitutes a form of misconduct involving public resources. This includes the use of publicly funded vehicles, equipment, buildings, or services to obtain private benefits unrelated to official duties. Although some individual instances may appear limited in monetary value, their widespread occurrence can result in a substantial depletion of resources and undermine discipline in the management of state property.

Finally, conflicts of interest arise when a public official's private interests intersect with official powers that enable him to influence a decision affecting those interests. This may occur, for example, when an official

participates in awarding a contract to a company in which he has a direct or indirect financial interest, or takes a decision that benefits himself or persons with whom he has financial ties. An actual act of embezzlement is not required for a conflict of interest to arise; its inherent danger lies in the potential for private interests to compromise the impartiality of public decision-making. Such situations therefore require disclosure of the relevant interest and recusal from participation in the decision concerned.

These various forms demonstrate that misconduct involving public funds may occur through direct appropriation, administrative decisions, contractual arrangements, the granting of benefits, misuse of state property, or the intersection of private interests with public responsibilities. Detecting such misconduct therefore requires examining the substance and financial consequences of a transaction rather than merely its formal appearance. This underscores the importance of effective oversight throughout the various stages of resource management, public contracting, and decision-making with financial implications.

Chapter Three: Trustworthiness, Oversight, and Accountability

1. The Principle of Accountability

The principle of accountability is founded on the connection between the exercise of authority and responsibility for its consequences. Anyone vested with the power to make decisions or manage public affairs must therefore be required to explain and justify their actions and remain subject to the consequences arising from any violation of the rules governing their authority. Accountability is essential because it prevents authority from becoming detached from responsibility and ensures that the exercise of public powers remains subject to evaluation and review.

As a general principle, responsibility should be proportionate to the scope of the authority conferred. The broader the powers entrusted to an officeholder and the greater the impact of their decisions, the more important it becomes for their actions to be subject to accountability. This is not intended to restrict their ability to perform their duties, but rather to prevent public powers from becoming uncontrolled authority and to establish an appropriate balance between discretion in decision-making and responsibility for its consequences.

From this perspective, no public authority should operate beyond the reach of accountability, since every power conferred by the legal system is subject to limits and purposes that must be respected. This principle applies at all levels of public authority, from the ruler and senior officials to public employees, although the nature and procedures of accountability may differ

according to the legal status of each officeholder and the scope of the powers entrusted to them.

The Prophetic Sunnah establishes the principle of responsibility in the exercise of authority through the saying of the Prophet ﷺ: “Each of you is a shepherd, and each of you is responsible for his flock.” With specific reference to public authority, he ﷺ stated: “The ruler is a shepherd and is responsible for his subjects.” These teachings affirm that assuming responsibility for public affairs necessarily entails accountability for the manner in which that responsibility is discharged. The broader the scope of authority, the broader the corresponding responsibility, in proportion to the rights and interests placed under the officeholder’s care.

Accountability may take different forms depending on the nature of the violation and the authority competent to address it. It may be **political** when it concerns the performance of political officeholders and their compliance with the policies and duties governing their positions. It may be administrative when official duties or rules governing public service are violated, or financial when misconduct relates to the collection, expenditure, or management of public funds. Accountability may also be judicial where the violation is of such a nature as to require proceedings before a court and the application of the legal consequences prescribed by law.

The position held by a ruler or public official is not incompatible with the principle of accountability. Official status determines the scope of authority but does not, in itself, preclude scrutiny of the manner in which that authority is exercised. On the contrary, the importance of an office and the breadth of its impact on society make

the application of rules of responsibility even more necessary, while respecting the constitutional procedures and safeguards applicable to each office.

Accountability should therefore not be regarded as diminishing authority or undermining its legitimacy; rather, it is a means of regulating its exercise, correcting deficiencies, and determining responsibility when misconduct occurs. Effective authority does not depend on immunity from scrutiny, but on the ability to exercise public powers within a system that combines the capacity to make decisions with mechanisms for reviewing their legality and holding those responsible to account where necessary.

2. Oversight Mechanisms for Public Office and Public Funds

Effective oversight of public office and public funds requires a plurality of institutions and mechanisms, so that no single body bears sole responsibility for supervising the various dimensions of administrative and financial activity. This need arises from the diversity of functions performed by state institutions and the differing nature of the violations that may occur within them. It therefore requires the integration of judicial, parliamentary, financial, administrative, and societal oversight, with clearly defined responsibilities for each body and the necessary means to enable it to perform its functions effectively.

Judicial oversight constitutes one of the fundamental safeguards for ensuring that public administration

remains subject to the law. It enables courts to review decisions and actions falling within their jurisdiction, adjudicate disputes arising from them, annul measures found to be unlawful, or impose the legal consequences prescribed according to the nature of the violation. The effectiveness of judicial oversight increases when the judiciary is provided with guarantees of independence and impartiality, effective access to justice, and mechanisms ensuring the enforcement of judicial decisions.

Parliamentary oversight, for its part, is exercised by the legislative authority over the activities of the government through the mechanisms provided for by the constitution and the legal system, including parliamentary questions and interpellations, committees of inquiry, scrutiny of the state budget and final accounts, and examination of reports submitted by the competent authorities. These mechanisms enable the legislature to scrutinize public policies and expenditure and to require officials to provide explanations regarding decisions and actions falling within the scope of their responsibilities.

Financial oversight and auditing bodies perform a more specialized role in supervising the collection of public revenues, the expenditure of budgetary appropriations, and the examination of accounts, contracts, and transactions with financial implications. Through auditing, review, and reporting, these bodies can identify irregularities, waste, and deficiencies in the management of public resources and refer matters requiring further action to the competent authorities in accordance with the law.

Anti-corruption bodies complement this oversight framework by carrying out the functions assigned to them by legislation, such as receiving reports and complaints, examining suspected misconduct, identifying institutional weaknesses, proposing preventive measures, and coordinating with investigative and oversight authorities. Their effectiveness depends on clearly defined powers, independence in the performance of their functions, and adequate access to the information and documents necessary for their work.

Within public institutions themselves, internal administrative oversight constitutes the first line of defense in safeguarding the integrity of public administration. It allows deficiencies and irregularities to be identified at an early stage through administrative supervision, inspections, internal auditing, segregation of financial duties, and the review of procedures and decisions. Such oversight can help address shortcomings before they develop into more extensive violations or result in losses that are difficult to remedy.

Oversight is not confined to state institutions. Civil society and the media also contribute to exposing irregularities and bringing matters concerning the management of public affairs to public attention. The effective performance of this role requires a legal framework that strikes an appropriate balance between access to and dissemination of information, on the one hand, and the protection of privacy, the confidentiality of investigations, and information whose nature legitimately requires non-disclosure, on the other.

The effectiveness of all forms of oversight is closely linked to transparency, disclosure, and access to

information, since oversight cannot function properly in the absence of the data necessary to scrutinize decisions and trace financial transactions. This includes the timely and accessible publication of budgets, reports, accounts, information relating to public contracts and procurement, and other data that the law requires to be made publicly available.

The integration of these mechanisms creates a multi-layered system of oversight that begins within public administration but extends beyond it to parliament, the judiciary, specialized oversight institutions, civil society, and the media. The effectiveness of such a system does not depend merely on the number of oversight bodies, but on their independence, clearly defined mandates, effective exchange of information, proper follow-up on their findings, and the translation of identified violations into concrete measures, ensuring that oversight does not remain confined to reports without practical consequences.

3. Restoring the Public Trust in Cases of Breach

The framework for protecting public office and public funds is not complete merely upon detecting a violation and identifying the person responsible. Once misconduct has been established, it must give rise to practical consequences capable of remedying the harm and preventing the offender from remaining in a position that would enable its recurrence. Such measures may include removal from office when the conditions required for continued service are no longer met,

recovery of unlawfully obtained funds and benefits, compensation for damages, and the application of penalties prescribed by law.

The removal of a dishonest or incompetent official is among the principal measures required to safeguard the integrity of public office where serious breaches of duty or an inability to perform assigned responsibilities have been established in accordance with the applicable procedures. Allowing an official to remain in office despite demonstrated unfitness may perpetuate the harm and undermine the effectiveness of accountability mechanisms. Removal should not, however, necessarily be regarded as a punishment in every case; it may constitute a protective measure intended to safeguard the proper functioning of public institutions when the conditions required for continued service are no longer satisfied.

Misappropriation of public funds also requires the recovery of assets unlawfully obtained, since imposing a penalty on the offender does not, in itself, restore the resources lost by the state. Asset recovery may extend to funds, property, benefits, and proceeds shown to have been acquired through unlawful conduct, together with the necessary legal measures to trace such assets where they have been converted into other forms of property or transferred into different assets.

Where a breach results in harm exceeding the value of the assets directly misappropriated, compensation becomes an important means of redressing losses suffered by the state, public institutions, or other affected parties. Such losses may include direct financial damage as well as additional costs incurred by the public

treasury as a consequence of the unlawful conduct. Compensation should be determined in accordance with the applicable legal rules and the nature and extent of the proven harm.

In addition to asset recovery and compensation, acts of corruption may give rise to penalties proportionate to the nature and seriousness of the misconduct. Depending on the circumstances, these may be criminal, administrative, or financial in nature. Sanctions serve two complementary purposes: holding the offender accountable and deterring others from engaging in similar conduct. Their application must nevertheless remain subject to the principle of legality, the guarantees of a fair trial, and proportionality between the violation and the sanction imposed.

Closely connected to this is the principle of preventing impunity, which requires that rules of responsibility apply to anyone whose misconduct has been established, without allowing official position, influence, or proximity to those in power to obstruct legal proceedings. This principle does not imply a presumption of guilt or the disregard of procedural safeguards afforded to the accused. Rather, it requires that investigative and judicial authorities be able to perform their functions and reach conclusions in accordance with the law, free from unlawful protection or interference in the course of proceedings.

In this context, the independence of investigations from political authority is particularly important, especially where allegations concern senior officials or influential individuals. The integrity of an investigation requires that the competent authority be able to gather evidence,

summon relevant persons, examine documents, and take the measures authorized by law without political direction or pressure, while remaining subject to the applicable legal safeguards and judicial oversight. Separating investigative functions from immediate political interests helps strengthen impartiality, equality before the law, and public confidence in the outcomes of accountability proceedings.

Recommendations

In light of the Islamic legal, legal, and institutional dimensions of trustworthiness in public service examined in this study, as well as its relationship to the protection of public funds, the fight against corruption, and the consolidation of accountability, the study recommends the following:

1. **Embedding the principle of trustworthiness in legislation governing public service:** This should be achieved by linking the exercise of public powers to duties of integrity, impartiality, and service to the public interest, and by translating these principles into clear legal rules whose violation entails specific legal consequences.
2. **Adopting competence and merit as the basis for appointments to public office:** Objective and transparent procedures should govern appointments and promotions in order to prevent the influence of kinship, favoritism, and personal loyalty, and to ensure the selection of individuals best qualified to assume public responsibilities.
3. **Strengthening the legal protection of public funds:** Rules governing the collection and expenditure of public funds and the management of state property should be further developed, while enhancing oversight of public contracts, procurement, and major projects, particularly at stages where the risks of waste or inflated costs are greatest.
4. **Establishing strict rules governing conflicts of interest:** Public officeholders should be required to disclose financial and commercial interests that may influence their decisions and should be prohibited

from participating in any decision from which they, or persons connected to them, may derive a direct or indirect benefit.

5. **Strengthening the independence of oversight and auditing bodies:** Such institutions should be provided with the powers and resources necessary to access information and scrutinize financial and administrative activities. Clear mechanisms should also be established to follow up on their findings and implement their recommendations, rather than allowing oversight to end with the mere issuance of reports.
6. **Supporting the independence of the judiciary and investigative authorities:** These institutions should be able to investigate cases involving abuses of public office and public funds regardless of the status or position of the persons concerned, while fully preserving the guarantees of due process and a fair trial.
7. **Enhancing transparency and access to public information:** Greater access should be provided to information concerning public budgets, expenditure, contracts, procurement, and public projects, within limits consistent with legitimate confidentiality requirements and the protection of private rights.
8. **Providing effective protection for whistleblowers:** Secure and confidential reporting channels should be established, together with legal safeguards prohibiting retaliation against whistleblowers, thereby facilitating the early detection of misconduct within public institutions.
9. **Ensuring the effective recovery of unlawfully obtained funds and benefits:** Anti-corruption measures should not be limited to imposing penalties but should also include tracing illicit proceeds, recovering them for the public treasury, and

providing compensation for damage suffered by the state or society.

10. **Establishing the principle of no impunity from accountability:** Rules of responsibility should apply to all holders of public office and public authority, while taking into account the nature of each position and the constitutional and legal safeguards attached to it. Immunities should not be allowed to become a means of obstructing investigations or accountability.
11. **Integrating the values of trustworthiness and integrity into training programs for public officials:** These values should form part of professional training on standards of official conduct, management of public funds, conflicts of interest, transparency, and legal responsibility.
12. **Strengthening societal oversight and the role of professional media:** Civil society and professional media should be enabled to contribute effectively to monitoring the management of public affairs and exposing misconduct, supported by appropriate legal safeguards for legitimate access to information and the protection of responsible freedom of publication.

Conclusion

The study concludes that trustworthiness, in the context of governance and public service, is not merely an individual moral virtue, but a fundamental principle governing the exercise of public authority and the management of public funds. Every power conferred upon a ruler, public official, or public employee entails a corresponding responsibility; every decision involving public funds must be directed toward the public interest; and every breach of these obligations must give rise to accountability.

Accordingly, safeguarding trustworthiness cannot be achieved through religious and ethical commitment alone. It also requires a comprehensive legal and institutional framework founded on transparency, oversight, accountability, judicial independence, and the prevention of conflicts of interest. Through such a framework, trustworthiness is transformed from an abstract value into a practical and enforceable principle governing the exercise of public office.

Table of Contents

The Topic	The Page
Abstract	2
Introduction	5
Chapter One: The Concept of Trustworthiness and Its Islamic Legal Foundations in Public Service	7
1. The Concept of Trustworthiness in Islam	7
2. Public Authority and the Requirements of Trustworthiness	9
3. Trustworthiness in the Exercise of Governance	12
Chapter Two: Trustworthiness in the Management of Public Funds and the Fight Against Corruption	16
1. The Concept and Inviolability of Public Funds	16
2. Forms of Misappropriation and Misuse of Public Funds	18
Chapter Three: Trustworthiness, Oversight, and Accountability	22
1. The Principle of Accountability	22
2. Oversight Mechanisms for Public Office and Public Funds	24
3. Restoring the Public Trust in Cases of Breach	27
Recommendations	31
Conclusion	34

TRUSTWORTHINESS IN PUBLIC SERVICE

LEGAL PRINCIPLES AND MECHANISMS
FOR OVERSIGHT AND ACCOUNTABILITY
IN ORDER TO PROTECT PUBLIC FUNDS
AND ACHIEVE GOOD GOVERNANCE

This book examines the concept of trustworthiness in public service as a fundamental principle governing the exercise of public authority and the management of public funds. It explores its Islamic legal foundations and its relationship to responsibility, justice and the public interest, and analyses various forms of breach of trust, including financial and administrative corruption, abuse of authority, and misappropriation of public resources. It also reviews the mechanisms of oversight and accountability required to safeguard public office and to transform trustworthiness from a religious and ethical value into a legal and institutional framework capable of protecting public funds and achieving good governance.

KEY THEMES EXPLORED



ISLAMIC LEGAL FOUNDATIONS

The meaning of trustworthiness in the Qur'an and the Sunnah and its application in public service.



PUBLIC AUTHORITY AND RESPONSIBILITY

Public office as a trust and the duties of rulers and officials toward society.



PUBLIC FUNDS AND CORRUPTION

The nature of public funds and the main forms of financial and administrative misconduct.



OVERSIGHT MECHANISMS

The role of the judiciary, parliamentary oversight, auditing bodies and anti-corruption institutions.



ACCOUNTABILITY AND CONSEQUENCES

Legal responsibility, recovery of public funds, sanctions and preventing impunity.



TOWARDS GOOD GOVERNANCE

Practical recommendations for strengthening trustworthiness and protecting public resources for future generations.

“ Public office is a trust, and public funds
are a responsibility before Allah
and the people. ”