



جامعة السلطان الشريف علي الإسلامية
UNIVERSITI ISLAM SULTAN SHARIF ALI
SULTAN SHARIF ALI ISLAMIC UNIVERSITY

Faculty of Shariah and Law
Semester I, 2015/2016 Academic Session

Final Examination Question Paper

Course Code : LS 1301

Course Name : Usul Fiqh 1

**Course Level : Bachelor of Laws (LL.B) & Bachelor of
Shariah Law (BSL)**

Time : 3 hours

Notes:

1. Answer all questions.
2. Answer all questions in the answer booklet provided.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

QUESTION 1 (10 Marks)

Choose the best answer to each questions below:

1. All these forms are used by Qur'an to describe the *hukm* of *mandub* except:

- A. فاكتبوه
- B. يجب
- C. لا حرج
- D. إحسانا

2. The conduct (*mahkum fiih*) which the *mukallaf* is required to do, or avoid doing, must fulfill the following of these conditions, except:

- A. the act which the *mukallaf* is required to do must be within his capability to do, or the act which the *mukallaf* is required to avoid must be within his capability to avoid
- B. the *mukallaf* must be in a Muslim country
- C. the *mukallaf* must know the nature of the conduct
- D. the demand to act or not to act must originate in an authoritative source which can command the obedience of the *mukallaf*

3. "Knowledge of the practical rules of *Syariah* acquired from the detailed evidence in the sources (*daleel*)". This is the definition for:

- A. *Fiqh*
- B. *Usul*
- C. *Usul al-Fiqh*
- D. *Syariah*

4. Which one of these statements are true according to Legal Maxims (*Qawaid al-Fiqhiyyah*)?
- A. Legal Maxims consist of theoretical guidelines in the different areas of *fiqh* such as evidence, transactions, matrimonial law', etc.
 - B. Legal Maxims of *fiqh* refer to a body of abstract rules which are derived from the detailed study of the *Usul al-fiqh*.
 - C. Legal Maxims are totally separate from *al-fiqh*.
 - D. Legal Maxims and *Usul al-fiqh* are the same science but its name is different.
5. The study of *Usul al-Fiqh* as a science was not necessary at the time of *Tabi'in* because of these reasons, except:
- A. They were close to the Prophet Muhammad (s.a.w.)
 - B. They could understand everything from the Qur'an and the Sunnah.
 - C. If a problem or a law could not be found in the Qur'an or as-Sunnah, the *tabi'in* would refer to the *ijtihad* and *ijma' saḥabat*.
 - D. Islam had not spread yet outside the Arabian peninsular.
6. All these pillars are considered as pillars of *syariah*, except:
- A. *Mahakim* (Subject matter)
 - B. *Hukm* (Khitab Allah).
 - C. *Mahkum 'alaih* (Mukallaf).
 - D. *Hakim* (Allah)
7. What is the true definition of *Al-Hukm al-taklifi*?
- A. Kalam Allah or communication associated with the act of *Mukallaf* when is made in the form of a demand or option.
 - B. What is commanded by *Syara'* in the form of mandatory
 - C. *Kalam Allah* associated with the act of *Mukallaf* whether by means of requisition or choices/options or establishment.
 - D. What has been claimed that Islamic law would to each individual *Mukallaf*

8. The word of *al-Fiqh* literally comes from the Arabic word means:
- A. All laws from Allah
 - B. How to pray and fast
 - C. True understanding
 - D. A part of *Hukm* in Islam
9. All these forms are used by Qur'an to describe the *Hukm* of *Mubaah*, except:
- A. فلا اثم عليه
 - B. احل
 - C. لا حرج
 - D. كتب
10. The conduct (*Mahkum fiih*) which the *Mukallaf* is required to do, or avoid doing, must fulfill the following conditions, except:
- A. the *Mukallaf* must be in a Muslim country
 - B. the *Mukallaf* must know the nature of the conduct
 - C. the act which the *Mukallaf* is required to do must be within his capability, or the act which the *Mukallaf* is required to avoid must be within his capability to avoid
 - D. the demand to act or not to act must originate in an authoritative source which can command the obedience of the *Mukallaf*

QUESTION 2 (10 Marks)

Write **true** or **false** at the end of every sentence:

1. Every *Hukm* of Shariah has come from Allah ()
2. From the points view of Imam Al-Shafie, the *Fasad* and *Batil* are two different things ()
3. In the time of *Sahabah*, they don't use the *Usul al-fiqh* was not used because book on *Usul al-fiqh* had not been written yet. ()
4. The *Hanafis* scholars distinguish between *Wajib* and *Fardh* (فرض) in *Hukm syar'i* : ()

5. Riding the camel is considered as *Sunnah Muakkadah* because the Prophet (s.a.w) did it ()
6. The main sources of Shariah are *Qur'an, Hadis, Qiyas* and *Ijma'* ()
7. In the time of *Tab'in-tabi'in*, Islam still not spread and they don't need the *Usul fiqh* ()
8. The real name of Imam *Al-Syafi'i* was Muhammad bin Syafie ()
9. *Tariqatul fuqaha'* are also known as *Tariqatul-Hanafiyyah*. ()
10. One of the characteristic of *Haqqul – Allah* is that, it cannot be dropped or waived by anyone. ()

QUESTION 3 (10 Marks)

Fill in the blanks with the most appropriate words

1. One example for the *Al-Awaridh al-Muktasabah* is: _____
2. *Wajib* _____ is one of the classification of *Wajib*. Its means what was claimed by the Islamic law from everybody of *Mukallaf* to perform it.
3. One example for the *Al-Awaridh al-Samawiyyah* is _____
4. _____ is defined as a consideration which is proper and harmonious with the objectives of the Lawgiver; it secures a benefit or prevents a harm; and the *Shari'ah* provides no indication as to its validity or otherwise.
5. In the view of *Jumhur Ulama'* (non *Hanafis*) there are no differences between *Makruh Tahrim* and _____
6. The science of _____ also known as the Science of Legal Maxim.
7. The law prescribed by Allah to His servants who are in need, to care for their needs. This is the definition for _____
8. When the sun declines to the west, thus it's the _____ for starting of *zuhur*. (*Syart, Sabab or Mani'*):- _____
9. One of the most difference between Islamic Syariah and the Western law is the _____ of the *Hukm*.
10. Something which is forbidden because of something else or an act that may be originally lawful but has been made unlawful owing to the presence of certain circumstances. This is the definition for _____

QUESTION 4 (30 Marks)

1. The Scholars of Islamic Jurisprudence explained and wrote the Science of *Usul al-Fiqh* in many ways. Explain the methodology of *fuqaha'* in writing this science? **(5 Marks)**
2. *Al-Hukm al-Taklifi* is a classification of *al-Hukm*. Briefly explain the *al-Hukm al-Taklifi* with examples. **(5 Marks)**
3. *Al-Hukm* is the main pillar in the Principles of Islamic Jurisprudence. It further divided to two (2) types and every type is divided to several classifications. Briefly explain the classifications of *Al-Hukm*. **(5 Marks)**
4. In history, Negara Brunei Darussalam has went through a lot of changes in implementation of law. Brief explain its development by stating pro and cons of every step of the history until nowadays. **(5 Marks)**
5. Western laws are difference from Islamic laws in many aspects especially in principles of Islamic Jurisprudence. Explain three main differences for all aspects and state two (2) examples for each. **(10 Marks)**

بالتوفيق والنجاح