



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

Faculty of Shariah and Law
Semester I, 2012/2013 Academic Session

Examination Question Paper

Course Code : LS 1301
Course Name : Usul al-Fiqh I
Course Level : Bachelor of Laws (LL.B) & Bachelor of
Shariah Law (BSL)
Time : 3 hours

Note:

Question 1 is compulsory. Candidates must answer Question 1 and attempt any three (3) of the remaining questions.

QUESTION 1 (15 Marks)

- (a) Define *Usul al-Fiqh* and state its objectives. (5 marks)
- (b) “*Al-Risalah*” is a compilation of *Usul al-Fiqh*. Describe the development of *Usul al-Fiqh* leading to the compilation of *al-Risalah*. (5 marks)
- (c) “The ‘*Ulama*’ are in disagreement, however, as to the way the will or the *hukm* of the Lawgiver regarding the conduct of the *Mukallaf* is to be known and identified”.

Explain the above statement with reference to opinions of the ‘*Ulama*’.

(5 marks)

QUESTION 2 (15 Marks)

- (a) Briefly describe *al-Hukm al-Shari’i* (legal ruling). Illustrate your answer with relevant examples. (5 marks)
- (b) What are the acts a *Mukallaf* must perform in relation to the rights of Allah S.W.T as his Creator? (5 marks)
- (c) Discuss and illustrate the opinions of Fuqaha’ on *Fardh* and *Wajib*. (5 marks)

QUESTION 3 (15 Marks)

- (a) Define Declaratory Law (*al-Hukm al-Wadhi*). Give three examples. (3 marks)

- (b) Identify *al-Mahkum fihi* (subject-matter) and the *hukm* in the following verses and hadith:
- (i) “O ye who believe! The law of equality is prescribed to you in cases of murder: the free for the free, the slave for the slave, the woman for the woman. But if any remission is made by the brother of the slain, then grant any reasonable demand, and compensate Him with handsome gratitude, this is a concession and a Mercy from your Lord. After this whoever exceeds the limits shall be in grave penalty”.
(*al-Baqarah*: 178).
(2 marks)
- (ii) “O ye who believe! When ye Deal with Each other, In transactions involving future obligations In a fixed period of time, reduce them to writing...” (*al-Baqarah*: 282) ;
“... and if one of you deposits a thing on trust with another, let the trustee (Faithfully) discharge His trust,...” (*al-Baqarah*: 283).
(2 marks)
- (iii) “Those who unjustly eat up the property of orphans, eat up a Fire into their own bodies: They will soon be enduring a Blazing Fire!”
(*al-Nisaa*: 10).
(2 marks)
- (iv) “This Day are (all) things good and pure made lawful unto you. the food of the people of the Book is lawful unto you and yours is lawful unto them. (Lawful unto you In marriage) are (Not only) chaste women who are believers, but chaste women among the people of the Book, revealed before your time,- when ye give them their due dowers, and desire chastity, not lewdness, nor secret intrigues if any one rejects Faith, fruitless is His work, and In the-Hereafter He-will-be In the ranks of those who have lost (All spiritual good)”.
(*al-Maaidah*: 5).
(2 marks)
- (v) “Leave that of which you are doubtful in favor of that which you do not doubt...” (Narrated by al-Termidhi, Hadith Hasan).
(2 marks)
- (c) Discuss the types of *Shart* (conditions).

(2 marks)

QUESTION 4 (15 Marks)

- (a) What is the difference between *Shart* and *Rukn*. Give an example for each. (4 marks)
- (b) Define *al-Ahliyyah* (legal capacity) and describe its conditions. (4 marks)
- (c) Define insanity from the perspective of *Fuqaha'* and discuss its effects on verbal acts. (7 marks)

QUESTION 5 (15 Marks)

- (a) Discuss in detail the types of *al-Ahliyyah* (legal capacity). (5 marks)
- (b) Define natural deficiency of *al-Ahliyyah* (legal capacity). Describe the effects of ignorance on the acts of *Mukallaf*. (5 marks)
- (c) Define *al-Ikrah* (coercion) from the perspective of *Fuqaha'*. Discuss the legal effects of *al-Ikrah* on the acts of *al-Mukrah* (the coerced) in the light of Shariah. (5 marks)

بالتوفيق والنجاح