



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**

**Examination Question Paper**

**Course Code : LS 2301**

**Course Name : Usul al-Fiqh III**

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

**Time : 3 hours**

---

**Note (s):**

1. Question paper consists of **Three (3) Parts**.
2. Answer **all questions** from **Part One (1)**.
3. Answer **four (4) questions** from **Part Two (2)**.
4. Answer **one (1) question** from **Part Three (3)**.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

## PART ONE

Answer all the following questions

### QUESTION 1

Identify 'Amm, Khass, Mutlaq and Muqayyad in the following texts:

1. "Divorced women must observe three courses upon themselves" (2: 228)  
(وَالْمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ) (البقرة: 228)
2. "Whoever kills a believer in error must release a believing slave" (4: 92)  
(وَمَنْ قَتَلَ مُؤْمِنًا خَطَأً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ) (النساء: 92)
3. "As for those who are pregnant, their term (waiting period) shall be until they have delivered." (65: 4)  
(وَأُولَاتُ الْأَحْمَالِ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ) (الطلاق: 4)
4. "Those who accuse chaste women of adultery and fail to bring four witnesses, flog them eighty lashes" (24: 21)  
(وَالَّذِينَ يَزْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ فَاجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً) (النور: 21)
5. "As for those of your women who have reached menopause, if you have any doubts, their term (waiting period) shall be three months." (65: 4)  
(وَاللَّائِي يَيْسَنَ مِنَ الْمَحِيضِ مِنْ نِسَائِكُمْ إِنْ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ) (الطلاق: 4)

(2 marks each)

### QUESTION 2

What is the stand of scholars on reconciliation of the following three texts?

1. "...for expiation, feed ten indigent persons, on a scale of the average for the food of your families; or clothe them; or give a slave his freedom." (5: 89)  
(فَكَفَّارَتُهُ إِطْعَامُ عَشْرَةِ مَسَاكِينَ مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَوْ كِسْوَتُهُمْ أَوْ تَحْرِيرُ رَقَبَةٍ) (المائدة: 89)

2. "But those who divorce their wives by *Zihar*, then wish to go back on the words they uttered, (It is ordained that such a one) should free a slave before they touch each other." (58: 3)

(وَالَّذِينَ يُظَاهِرُونَ مِنْ نِسَائِهِمْ ثُمَّ يَعُودُونَ لِمَا قَالُوا فَتَحْرِيرُ رَقَبَةٍ مِنْ قَبْلِ أَنْ يَتَمَاسَا) (المجادلة: 3)

3. "If one (so) kills a believer, it is ordained that he should free a believing slave." (4: 92)  
(وَمَنْ قَتَلَ مُؤْمِنًا خَطَأً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ) (النساء: 92)

(2 marks each)

## PART TWO

Answer four (4) of the following questions:

### QUESTION 1

How clear words and unclear words are classified according to:

- (a) *Hanafi* scholars, and  
(b) *Shafi'i* scholars? Why they have different classifications?

(3.5 marks each)

### QUESTION 2

Explain with example what scholars mean by the following:

[Meaning required by the text of a necessity (*Iqtida' al-nass / Dalalat al-Iqtida'*)]

(7 marks)

### QUESTION 3

How does *Shafi'i* scholars classify texts in terms of indicating the *Hukm* 'through implications other than syntactical meaning'? Give one example of any one of those categories.

(7 marks)

**QUESTION 4**

Elaborate the differences between literal (original) meaning and metaphorical meaning. Support your answer with examples.

(7 marks)

**QUESTION 5**

What is the legal effect of considering an expression as *Sarih* (Plain/ Direct speech) or *Kinayah* (Allusive speech)?

(7 marks)

**PART THREE**

**Answer one (1) from the following questions:**

**QUESTION 1**

Discuss the forms of *Mafhum al-mukhalafa* (Divergent meaning) that are accepted by *Shafi'i* scholars as valid indications of the *hukm shar'i*. Give examples.

(7 marks)

**QUESTION 2**

Explain the views of scholars on the legal effects of prohibition in transactions.

(7 marks)