



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

Faculty of Shariah and Law
Semester I, 2016/2017 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

Notes:

This examination paper consists of **two parts**

1. Answer any **three** questions from Part One.
2. Answer **all** questions from Part Two.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Part One

Answer any **THREE** of the following questions

QUESTION 1 (7 marks)

Explain with examples the difference between *zahir* and *mufassar*.

QUESTION 2 (7 marks)

Compare the rules of resolving conflict between '*Amm* and *Khass* according to *Hanafi* and *Shafi'i* scholars.

QUESTION 3 (7 marks)

Elaborate the meaning of *dalalat al-nass/ mafhum al-muwafaqah* (Meaning implied by the text). Support your answer with examples.

QUESTION 4 (7 marks)

Explain with examples the difference between *mushkil* and *mujmal*.

Part Two

Answer all the following questions

QUESTION 1 (15 marks)

Identify *khafi*, *zahir*, *nass*, *mufassar* and *mujmal* in the following texts:

1- «ذلك بأنهم قالوا إنما البيع مثل الربا وأحل الله البيع وحرم الربا» (البقرة: 275)

“That is because they say, "Commerce is like usury. But God has permitted commerce, and has forbidden usury.”

(4 marks)

2- «والزانية والزاني فاجلدوا كل واحد منهما مائة جلدة»

“The adulteress and the adulterer-whip each one of them a hundred lashes.”

(2 marks)

3- «فسجد الملائكة كلهم أجمعون» (الحجر: 30، ص: 73)

“So the angels prostrated themselves, all together.”

(2 marks)

4- «وأقيموا الصلاة وآتوا الزكاة» (البقرة: 43)

“And attend to your prayers, and practice regular charity, and kneel with those who kneel.”

(3 marks)

5- «ولله على الناس حج البيت من استطاع إليه سبيلا» (آل عمران: 97)

“Pilgrimage to the House is a duty to God for all who can make the journey.”

(2 marks)

6- «والسارق والسارقة فاقطعوا أيديهما» (المائدة: 38)

“As for the thief, whether male or female, cut their hands as a penalty for what they have reaped-a deterrent from God.”

(2 marks)

QUESTION 2 (12 marks)

Mafhum al-mukhalafah (divergent meaning) may be one the ways how Islamic legal texts indicate the *hukm*:

- a) Compare the views of *Hanafi* and *Shafi'i* scholars on the validity of *mafhum al-mukhalafah* (divergent meaning). (4 marks)
- b) Discuss the valid forms of *mafhum al-mukhalafah* (divergent meaning) according to *Shafi'i* scholars. (8 marks)

QUESTION 3 (12 marks)

Words in the texts of the Quran and the Sunnah may be used in actual or metaphorical meanings.

- a) What is the difference between actual meaning and metaphorical meaning?
(3 marks)
- b) Explain the various types of actual meaning. (6 marks)
- c) What is the legal implication of classifying a text under actual or metaphorical meaning?
(3 marks)

بالتوفيق والنجاح