



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

Faculty of Shariah and Law
Semester III, 2016/2017 Academic Session

Final Examination Question Paper

Course Code : LS 2304

Course Name : Fiqh of Inheritance

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

Time : 3 hours

Notes:

1. Answer any **four** of the following questions.
2. All answers, wherever relevant, must be supported with Qur'anic verse and Hadith.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

QUESTION 1 (15 Marks)

(a) Identify the following terminologies with examples:

- i. *ḥajb*
- ii. *ʿaṣabah*
- iii. *mawrūth*

(6 marks)

(b) Awang Hengsam is married to Dayang Qaseh and they have 2 adopted sons and 2 true daughters. They all lived at Awang Hengsam's mother's house. The mother was very old and bedridden. One day, Awang Hengsam went to date his secret admirer Dayang Lateng and got into an accident. He died on his way to the hospital. Dayang Lateng claimed that she was entitled to the estate of Awang Hengsam since they had already engaged and she was in fact pregnant.

Advise and calculate as to the share of inheritance of everyone mentioned above with justifications.

(9 marks)

QUESTION 2 (15 Marks)

Elaborate on TWO of the following inheritance calculations supported with views of Muslim scholars if any:

- i. Hermaphrodite
- ii. Unborn child
- iii. Missing Person

(15 marks)

QUESTION 3 (15 Marks)

Dayang Jah Heyleah, who is a bedridden divorcee is very concern on her children's welfare and property when she dies. She has 2 paralyzed daughters who require medical treatments from hospital. Her new current husband Awang Qudeyn has married another woman and have 3 sons out of such marriage. Dayang Jah Heyleah is of the view that Islamic law of Inheritance is an obsolete unjust system and is not applicable since it does not secure the full right of her property to her paralyzed daughters. She is not willing to allocate her husband's share on her property when she dies.

Discuss the allocation of Dayang Jah Heyleah's properties to be distributed on the legal heirs with justification.

Advise her on the chance / alternative of securing her daughters' share in Islam.

(15 marks)

QUESTION 4 (15 Marks)

(a) Explain the following principle:

الإختوة يحجبون الأم عن الثلث

Brothers of a person deceased preclude the mother from receiving the third of the inheritance

(6 marks)

(b) List the heirs under the category of *aṣḥāb al-furūd'* with the support of Qur'anic verse or *ḥadīth*.

(9 marks)

QUESTION 5 (15 Marks)

(a) Describe the status of the following inheritance with justifications:

i) Awang Katoophat's children, 2 males and 3 females, have agreed that $\frac{2}{3}$ of his wealth is to be disposed to build a religious school.

ii) Dayang Rendang has adopted twin babies who were abandoned out of love and affection.

iii) A man dies leaving a mother, 2 full sisters and 2 uterine sisters

(9 marks)

(b) Explain the principle of *'umāriyyatān*.

(6 marks)

بالتوفيق والنجاح