



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

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

**Final Examination Question Paper**

**Course Code : LS 3302**  
**Course Name : Fiqh of Marriage**  
**Course Level : Bachelor of Laws (LL.B) & Bachelor of**  
**Shariah Law (BSL)**  
**Time : 3 hours**

**Notes:**

- a) Answer **all** questions.
- b) All answers, wherever relevant, must be supported by Quranic verse and Hadith.

**QUESTION 1 (15 Marks)**

a) Allah says:

ولا تقربوا الزنى إنه كان فاحشة وساء سبيلا

“And don't come near to adultery, surely it has been an obscenity and odious as a way”.

(Surah al-Isra': 32)

In this verse, Allah does not say "Do not commit adultery" but tells us not even to come close to it. This means that everything that may seduce a person to fall into adultery is unlawful.

i. What is the meaning of *zina* (adultery)?

(1 mark)

ii. Can the pregnant women as a result of *zina* delay the *aqd nikah*? Explain the different opinions among the scholars regarding this problem.

(4 marks)

b) Solve the following matters:

i. Fatimah has a boyfriend and her father also has his own choice of son-in-law-to-be. (2 marks)

ii. Ali wants to marry his wife's sister. (2 marks)

iii. The witness of marriage is not credible (*'adl*). (2 marks)

iv. The acceptance of marriage contract (*àqd*) is from the groom who is mute speak. (2 marks)

v. The marriage contract is held during the bride-to-be's waiting period (*'iddah*) of her husband's death. (2 marks)

**QUESTION 2 (15 Marks)**

- a) Islam assigns responsibility on the husbands to financially support his wife and childrens:
- i. State the verse which obligates the husband to provide maintenance (*nafkah*) for his family. (1 mark)
  - ii. Describe briefly the causes for the disentitlement of *nafkah*. (2 marks)
  - iii. Answer the following questions:
    - (i) State the amount of *nafkah*? (1 mark)
    - (ii) Can the husband use the wife's property including the dowry and *nafkah*? (3 marks)
    - (iii) Can the wife use the husband's property of his husband without his knowledge? (3 marks)
- b) *Li'an* is one of the way for dissolving marriage. Describe the process of *li'an* according to the Islamic perspective. (5 marks)

**QUESTION 3 (15 Marks)**

- a) Religion is considered as a significant criteria in marriage.

Prophet Muhammad (PBUH) said:

تُنكحُ المرأةُ لأربعٍ : لِمَالِهَا ، وَلِحَسْبِهَا ، وَلِجَمَالِهَا ، وَلِدِينِهَا ، فَأَظْفَرُ بِذَاتِ الدِّينِ تَرَبُّثُ يَدَاكَ

“A woman is married for four things. Because of his wealth, his descendants, her beauty and her religion. Then let you select a devout religious woman, surely you will be lucky.”

Interfaith marriage or interreligious marriage can be defined as marital unions in which partners believe and belong to different faith or religious traditions.

- i. Explain with proof the different opinion among scholars regarding the following matters:
  - (i) Who is *ahlul kitab*? (6 marks)
  - (ii) The rulings of interreligious marriage when one of the partner is *ahlul kitab* (4 marks)
- ii. Discuss the effects of conversion on the marriage according to the Shafie school of law:
  - (i) A couple married as non-muslims, but later both converted to Islam. (1 mark)
  - (ii) If both spouses married as non-muslims, but one later converted to Islam. (4 marks)

**QUESTION 4 (10 Marks)**

- a) Polygamy means a system of marriage wherein one person has more than one spouse. Polygamy can be of two types; one is polygyny wherein a man marries more than one woman, and the other is polyandry, wherein a woman marries more than one man. Islam permits limited polygyny (up to four wives) while prohibiting polyandry completely. So a Muslim woman is only permitted to marry one man at one time which is called monogamous marriage.
- i. State the verse which shows the permissibility of polygyny (1 mark)
  - ii. Describe about the principle of equality (*al- 'adl*) in polygyny (4 marks)
  - iii. What are the current polygyny issues? (3 marks)
  - iv. Explain 3 wisdoms behind the monogamous marriage of Muslim women. (3 marks)

b) State the duration of waiting period for the following questions:

- i. A widow (1 mark)
- ii. A pregnant woman (1 mark)
- iii. A divorcee of *talaq raj'ie*. (1 mark)
- iv. A divorcee in her menopause years. (1 mark)

بالتوفيق والنجاح