



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

Faculty of Shariah and Law
Semester I, 2014/2015 Academic Session

Examination Question Paper

Course Code : LS 4301

Course Name : Usul al-Ijtihad wa al-Fatwa

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

Time : 3 hours

Note (s):

- This question paper consists of **two (2) parts**.
- Answer any **five (5)** questions from **part one**.
- Answer **all** questions from **part two**.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

PART ONE (40 marks)

Answer five of the following questions

QUESTION 1 (8 marks)

Define *ijtihad* and elaborate its types.

QUESTION 2 (8 marks)

Identify the areas of shari'ah that can be subject of *ijtihad*, and those which are not subject to *ijtihad*. Justify your answer.

QUESTION 3 (8 marks)

Discuss why *ijtihad* is needed in the life of Muslim society.

QUESTION 4 (8 marks)

Imam al-Shafi'i, in his book *al-Risalah*, stated that *ijtihad* and *qiyyas* are two identical terms, while later scholars consider them different. Explain the reason behind these different views.

QUESTION 5 (8 marks)

(a) Can the *ijtihad* made by a *mujtahid* be reversed by a new *ijtihad*?

(b) If the previous *ijtihad* was the ground of a legal judgment, what will happen to that judgment in light of the new *ijtihad*?

QUESTION 6 (8 marks)

Discuss the views of *usul al-fiqh* scholars on the divisibility of *ijtihad*.

PART TWO (20 marks)

QUESTION 1 (10 marks)

Ijtihad is the outcome of a high level of intellectual capacity. Elaborate the qualifications required in a *mujtahid*.

QUESTION 2 (10 marks)

Discuss the authority of a *fatwa* relating to the following:

- (a) The mufti himself;
- (b) Other *mujtahids*; and
- (c) A layman who seeks *fatwa* from the *mufti*.

بالتوفيق والنجاح