



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 4303**  
**Course Name : Fiqh al-Qada' wa Turuq al-Ithbat  
(Fiqh of Judiciary and Procedures)**  
**Course Level : Bachelor of Laws (LL.B) & Bachelor of  
Shariah Law (BSL)**  
**Time : 3 hours**

**Notes:**

- 1. Question One is compulsory.**
- 2. Answer any three of the remaining questions.**

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

**QUESTION 1 (compulsory) (15 Marks)**

Solve the following cases and state its punishment with evidence and proof:

- (a) Hamdan refused to acknowledge his newborn baby as his child and accused his wife, Kamisah, of having an affair with another man. (5 marks)
- (b) Suhana, a 15 years old girl, saw a dead body of a woman lying in the pool of blood in the playground while beside her there was a teenage-boy holding a blood-stained knife. (5 marks)
- (c) Safar was found lying unconscious in front of a bar restaurant and his shirt was stained with vomit that smelled of vomit-smelling liquor. (5 marks)

**QUESTION 2 (15 Marks)**

- (a) Briefly describe what are the *ulama*'s views on *al-Istizhar* Oath. (5 marks)
- (b) What are the differences between *al-yamin* and *al-nukul 'an al-yamin*. Support your answer with evidences from the *Qur'an* or *Sunnah*. (5 marks)
- (c) Describe *al-qarinah* and its validity as a source of evidence in Shari'ah. (5 marks)

**QUESTION 3 (15 Marks)**

- (a) What are the differences between *al-li'an* and *al-qasamah*? Support your answer with examples. (5 marks)

(b) Describe situations where a woman becomes permissible to be a *qadi*. Support your answer with evidence.

(5 marks)

(c) Briefly describe the specific jurisdiction of *qadi*.

(5 marks)

**QUESTION 4 (15 Marks)**

(a) State the *ulama*' opinions regarding the terms 'literacy' for the testifying witness.

(5 marks)

(b) Define *al-kitabah* and describe the views of *'ulama* on the issue of using *al-kitabah* as proof of all cases.

(5 marks)

(c) Describe the required number of witnesses to prove cases involving property and its textual proofs from *al-Qur'an*.

(5 marks)

**QUESTION 5 (15 Marks)**

(a) Define *al-qiyafah* and *al-Qur'ah*.

(5 marks)

(b) Describe what are the three types of judges in Shari'ah. Illustrate your answer with examples for those types of judges .

(5 marks)

(c) Explain how was the Islamic Judiciary during *al-Rasyidin* Caliphate.

(5 marks)