



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

**Faculty of Syariah and Law
Semester I, 2015/2016 Academic Session**

Examination Question Paper

Course Code : LS 4304
Course Name : Islamic Family Law
**Course Level : Bachelor of Laws (LL.B) & Bachelor of
Shariah Law (BSL)**
Time : 3 hours

Reference allowed

Islamic Family Law (CAP. 217)

Note (s):

- (1) Answer any **FOUR** of the following questions.
- (2) Support your answers with relevant statutory provisions, decided cases Quranic verses and hadith.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Question 1 (15 Marks)

i) Discuss betrothal according to Islamic law and the status of promise in betrothal. Support your answer with Quranic verses and hadiths.

(3 marks)

ii) In December 2014, Ani and Alim were betrothed. In the engagement ceremony, Ani and Alim exchanged engagement rings and other gifts. The wedding ceremony was scheduled in May 2015. However, Ani met Kasim in March 2015 and both fell in love. Alim came to know about it when he saw Kasim and Ani were intimately together at a restaurant. Alim felt betrayed and as a result, Alim broke off the engagement. Ani was angry and ashamed that Alim broke off the engagement and asked Alim to give back all the gifts that she had given him. Alim refused to do so. Ani brought this case to the court to claim for the return of the gifts she had given Alim. Alim also claimed the return of the engagement ring and other gifts he had given to Ani.

Advise both parties in relation to their rights.

(4 marks)

iii) Fatimah and Syukri got married in March 2014 and had a child. However, on 18 July 2015, Syukri divorced Fatimah with one talaq. Halim, one of Fatimah's friends, had admired Fatimah. He approached Fatimah and expressly promised to marry her once her 'iddah period was over.

Discuss whether Halim can promise to marry Fatimah during her 'iddah period. Support your answer with a Quranic verse and the opinions of the four Sunni Schools.

(4 marks)

iv) Salimah and Ramli were engaged on 5th October, 2012 and they planned to marry in March 2013. However, in December 2012, Ramli was posted overseas for a year and thus the marriage was postponed because Ramli wanted to get married after his return from overseas. Later, Salimah was

introduced to Johan as her new working partner at the office. Johan and Salimah became close and finally they married in March 2013. Ramli was devastated and he applied to the court for the marriage to be annulled. Discuss whether the marriage can be annulled and whether Ramli can claim any right in this case?

(4 marks)

Question 2 (15 Marks)

i) Define talaq and state one (1) wisdom of talaq.

(2 marks)

ii) If the husband divorces his wife, talaq will fall into any of four situations. State these situations and explain the impact of talaq on marriage and dower if the husband wishes to revoke the divorce. State your answer by referring to the Quranic verses, hadiths and Islamic Family Law (CAP. 217), if any.

(4 marks)

iii) Amir and Anis are married to each other and they were about to expect their first child. One day, Amir returned home from work and left his phone on the kitchen table. Anis, who was cooking, noticed that Amir received an SMS. She picked up the phone and found out that a girl named Farha sent a message which read, "I love you Sayang." Anis was very upset and questioned Amir. Amir was briefly silent and finally uttered these words, "I divorce you."

Discuss the category of talaq pronounced by Amir according to Syafi'e school and the law in pronouncing the talaq, the iddah period for Anis and whether Anis is entitled to iddah maintenance and if yes, state till what period and state the iddah maintenance she is entitled to. Support your answer with Quranic verses, hadith, provisions from the Islamic Family Law (Cap 217) and a case.

(4 marks)

iv) Anis sent a message via WhatsApp to her husband at 10am stating that she was at her parents' house. At 12 noon, Amir replied via WhatsApp, "I will divorce you 3 talaq if you do not come back home this instant." Anis, unaware of her husband's reply due to the fact that her phone was out of battery, only read the message at 4pm. When she returned home, her husband had already packed all his clothes and left.

Explain the type of talaq pronounced by Amir and whether it constitutes divorce according to the Syafi'e school. If it does, discuss whether Amir can revoke the divorce, advise Amir on the procedures and rules in the Syariah court regarding the divorce he pronounced to Anis and discuss whether Anis is entitled to iddah maintenance according to the Syafi'e school. Support your answer with Quranic verses, relevant provisions from the Islamic Family Law (CAP. 217) and a case.

(5 marks)

Question 3 (15 Marks)

Explain the following topics and support your answer with Quranic verses, hadiths and relevant provisions from the Islamic Family Law (CAP. 217) and cases, if any:

- i) Ila'
- ii) Li'an
- iii) Zihar

(5 marks each)

Question 4 (15 Marks)

- i) What is dower? What are the evidences in the Quran and hadith which indicate dower is obligatory? State the wisdom of dower and discuss when the dower is to be paid in full, when it is to be paid half and when the husband does not need to pay the dower to the wife. Support your answer with Quranic verses.

(5 marks)

- ii) Ahmad and Siti were married on 1 February 2014. In the marriage contract, the dower is not named. In February 2015; Siti wanted to apply for divorce because she wanted independence but Ahmad still loved her.

Explain the type of divorce Siti can apply to the court, the effects of such divorce and the rights of Siti on the dower. Support your answer with Quranic verses, hadiths, the relevant provisions in Islamic Family Law (CAP. 217) and a case.

(7 marks)

- iii) State the iddah period and support your answer with Quranic verses:

- a) A woman whose husband passes away and the marriage is not consummated.
- b) A woman who is divorced and the marriage is not consummated.
- c) A woman is divorced and the marriage is consummated but she is menopause or do not have any monthly menses.

(3 marks)

Question 5 (15 Marks)

- i) Aisyah and Ahmad were married in 2010. They were happily married until on 5 May 2014 when Aisyah found out that Ahmad had an affair with Siti. Aisyah was devastated and left the house and lived with her mother. Ahmad and Siti eventually got married in June 2014. Aisyah on the other hand, still loved and missed Ahmad and decided to return to Ahmad and accepted his second marriage to Siti. Ahmad accepted Aisyah's return on 1 July 2014 and so the three lived under the same roof. Two months passed by and Aisyah noticed that Ahmad loved Siti more. She was also upset as Ahmad did not pay any maintenance since May 2014. She brought this case to the court, claiming on her right to maintenance.

Advise. Support your answer with Quranic verses, hadiths and relevant section/s in Islamic Family Law Chapter 217 and cases.

(4 marks)

ii) If Aisyah were to bring the case to court for dissolution of marriage on the ground that Ahmad did not love her equally as he loved Siti, could she do so? Explain why and support your answer with a Quranic verse and hadith.

(3 marks)

iii) State four (4) wisdoms of polygamy.

(4 marks)

iv) Explain the procedures for application for permission to marry and discuss the situations in which application are referred to the Syar'ie judge

(4 marks)

بالتوفيق والنجاح