



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

**Faculty of Shariah and Law**  
**Semester I, 2016/2017 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)

**Notes:**

1. Answer any four of the following questions.
2. Support your answers with relevant statutory provisions and decided cases.

**QUESTION 1 (15 Marks)**

Badariah has instructed En. Musa, a Syarie lawyer, to write a letter to Daniel, her husband, demanding him to do the following:-

- a) To divorce her since he has married a new wife, Jalina. Badariah is not willing to share their marriage with another woman.
- b) To sell the house in Shah Alam which was acquired during their marriage and to divide the proceeds of the sale equally between them;
- c) To pay her two years maintenance since he has not given any maintenance during the period.

Daniel has replied stating the following facts:

- a) He married another wife after Badariah was transferred to Kuala Terengganu. Since her transfer to Kuala Terengganu they hardly saw each other due to their heavy working schedule. In addition, their week breaks fell on different days. If he had not married again, he is afraid that he might commit the sin of zina.
- b) The house in Shah Alam was a gift from his grandmother for his wedding with Badariah. She only helped him in renovating the house.
- c) He had not given maintenance to Badariah for the past 2 years because she refused to quit her job when he did not agree with her transfer to Kuala Terengganu. Despite the problems they faced in their marriage, Daniel has no intention to divorce Badariah because he still loves her.

In the light of the above facts, advise Badariah as to her legal position.

(15 marks)

**QUESTION 2 (15 Marks)**

a) Explain the procedures of the appointment of *Hakam* or arbitrator under Islamic Family Law (cap 217).

(5 marks)

b) With the reference to decided cases, explain the grounds for dissolution of marriage by *dharar syar'ie*.

(10 marks)

**Question 3 (15 marks)**

a) Define the term “habitually assault” and “desertion.”

(5 marks)

b) Discuss the grounds for dissolution of marriage by *fasakh*. Support your answer with decided cases.

(10 marks)

**Question 4 (15 marks)**

a) Discuss modes and effect of pronouncement of *talaq* under Islamic Family Law.

(5 marks)

b) Define the term “shiqaq”

(5 marks)

c) With references to decided cases and statutory provisions, discuss the effect of pronouncement of *talaq* outside the court.

(5 marks)

**Question 5 (15 marks)**

- a) State legal basis for dissolution of marriage by *ta'liq*. (5 marks)
- b) Explain the grounds for dissolution of marriage by *ta'liq* (5 marks)
- c) Write two(2) samples of *ta'liq* agreement (5 marks)

بالتوفيق والنجاح