



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 5303**

**Course Name : Law of Evidence in the Shariah Court**

**Course Level : Bachelor of Laws (LLB) & Bachelor of  
Shariah Law (BSL)**

**Time : 3 hours**

**Reference allowed:**

**Shariah Court Evidence Order, 2001**

**Note(s):**

(1) Answer all questions.

(2) Support your answers with relevant statutory provisions and decided cases.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

**QUESTION 1 (15 Marks)**

1. What are the standard of proof? (4 marks)
2. On whom the burden of proof according to Islamic law? (2 marks)
3. *Bayyinah* or *Shahadah*: Are they similar or different? (6 marks)
4. Giving evidence in *hudud* cases is non-obligatory. Discuss this matter in Islamic law. (3 marks)

**QUESTION 2 (15 Marks)**

1. Explain the definition of charge or allegation given by Muslim jurists. (5 marks)
2. What are the conditions for defendant? (5 marks)
3. How to determine the proper parties in allegation according to Islamic law? (5 marks)

**QUESTION 3 (15 Marks)**

1. Define *Shahadah* according to Muslim jurists and the stand of Shariah Evidence Order 2001. (5 marks)
2. What are the conditions for the admissibility of *Shahadah*? (3 marks)
3. Is Islam a condition for a *Shahid*? Discuss this matter from all of its angel. (5 marks)
4. Explain the opinion of Muslim jurists with regard to *baligh* as condition for witness. (2 marks)

**QUESTION 4 (15 Marks)**

Discuss the following matters:

1. Types of *Tazkiyyah al-Shuhud*. (5 marks)
2. Retraction of testimony and the responsibilities of a witness. (5 marks)
3. Just as a condition for the testifying witness. (5 marks)

بالتوفيق والنجاح