



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

**Faculty of Shariah and Law**  
**Semester II, 2015/2016 Academic Session**

**Examination Question Paper**

**Course Code : LB 3302**  
**Course Name : Land Law II**  
**Course Level : Bachelor of Laws (LL.B) & Bachelor of Shariah Laws (BSL)**  
**Time : 3 hours**

**Reference allowed:**

Land Code (Cap 40)  
Land Acquisition Act (Act 41)  
Islamic Religious Act (Cap 77)  
Islamic Family Law (Cap 217)

**Notes:**

1. Answer any **four (4)** of the following questions.
2. All answers, wherever relevant, must be supported by statutory provisions and case law.

**Question 1 (15 marks)**

Explain briefly any three and give examples or decided cases to illustrate your understanding of these concepts:

- a. *Ihya al-Mawat*
- b. *Harim* land
- c. *Tammah v Naqisah* ownership
- d. *Iqta' Istighlal*
- e. *Al-hima* land

(15 marks each)

**Question 2 (15 marks)**

What are the justifications for the acquisition of land which has been alienated

(i) According to the Land Acquisition Act, Cap 41, Laws of Brunei.

(5 marks)

(ii) According to Islamic law of property.

(5 marks)

(iii) How is the compensation assessed in either situation?

(5 marks)

**Question 3 (15 marks)**

With reference to the Brunei Land Code (Cap 40), what is the position of gifts or *hibah* under Islamic law of property? How are such gifts formalised under the Brunei Laws?

(15 marks)

**Question 4 (15 marks)**

Awang Budiman made a pledge to endow or *waqaf* his land at Kampong Limau Manis for the purpose of communal agriculture activity. This land is situated at a very fertile part of the village and known to give annual hefty harvest. Awang Budiman intended that the land to be endowed to be worked on and proceeds from the harvest to be distributed amongst the needy in the village community.

(i) Explain the concept of *waqaf* in the context of Islamic property law.

(7 marks)

(ii) What is the position of *waqaf* land under the Brunei Islamic Religious Council Act (Cap 77)?

(8 marks)

**Question 5 (15 marks)**

Awang Damit has worked on a piece of State land bordering his house.

(i) How can such occupation be formalised under the Brunei Land Code (Cap 40)?

(7½ marks)

(ii) What are his rights under Islamic law of property?

(7½ marks)

**Question 6 (15 marks)**

(i) With reference to case law, explain the concept of *harta sepencarian*?

(5 marks)

(ii) What is the Robert's rule in the case of *harta sepencarian*?

(5 marks)

(iii) What is the position of *harta sepencarian* under Brunei Islamic Family Laws?

(5 marks)

بالتوفيق والنجاح