

Faculty of Shariah and Law
Semester 2, 2009/2010 Academic Session

Examination Question Paper

Course Code : SL 1303
Course Name : Islamic Legal System
Course Level : LL.B
Time : 3 hours

Note (s):

Answer FOUR of the following questions.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Question One (15 Marks)

In order for Islamic legislation to achieve its goal of reformation, it has enacted a series of legal commandments and prohibitions which make up the rules of conduct governing the social system of Islam. However, in the enactment of laws, the Quranic revelations have taken into consideration certain basic principles. Explain!

Question Two (15 Marks)

1. Define *Ijtihad*! (3 marks)
2. How did al-Imam Al-Shafi'i's clarify the meaning of *Ijtihad*? (4 marks)
3. What are the conditions and qualifications of the *mujtahid*? (8 marks)

Question Three (15 Marks)

1. There is a law graduate came to you and she needs an advice from you about the rule or *hukm* of applying the post of a judge. What is your answer? (5 marks)
2. The duty of the judge is to carry out justice and fair play. It is important therefore for the judge to guard his conduct and attitudes from anything that may cast doubt over his fairness in sentencing or his personal purity. Give five attitudes of a judge according to Islamic law. (5 marks)
3. What are the roles and duties of Peguam Shar'ie? (5 marks)

Question Four (15 Marks)

As an independent country, Brunei Darussalam has its own legal system and as an Islamic state, Brunei Darussalam has its own characteristics. What is the system of *fatwa* in Brunei Darussalam. What is the vision and mission of State Mufti Division? How does it work? Clarify the way of appointment of *Mufti* and his duties as well as the mechanism of giving a decision of *fatwa*.

Question Five (15 Marks)

The study of any legal system normally deals with formulation and interpretation of the law. Discuss the formulation and interpretation of Islamic law during the period of *al-Khulafa al-Rashidin* and its main features.