



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

**Faculty of Shariah and Law
Semester I, 2014/2015 Academic Session**

Final Examination Question Paper

Course Code : LS 1301
Course Name : Usul al-Fiqh I
**Course Level : Bachelor of Laws (LL.B) & Bachelor of
Shariah Law (BSL)**
Time : 3 hours

Notes:

- **Question 1 is compulsory.**
- **Candidates must answer Question 1 in Part 1 and attempt any three (3) questions in Part 2.**

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Part 1 Compulsory Question

QUESTION 1 (15 Marks)

- (a) Define *Usul al-Fiqh*. Why is it compulsory for jurists to have in-depth knowledge on *Usul al-Fiqh*? (5 marks)
- (b) Explain Law of Shariah (*al-Hukm al-Syar 'i*) and the divisions of (*al-Hukm al-Syar 'i*). Illustrate your answer with examples for both divisions. (5 marks)
- (c) Elaborate the criteria (*shurut*) for a person to be a *Mukallaf*. (5 marks)

Part 2

QUESTION 2 (15 Marks)

- (a) What are the differences between *Wajib* and *Fardh*? Discuss briefly *Wajib Mu'qqat* and *Wajib Mutlaq*. Support your answer with examples. (5 marks)
- (b) Define *Makruh* and discuss its divisions. Illustrate your answer with relevant examples. (5 marks)
- (c) Identify the *hukm* and describe briefly the subject-matter (*al-Mahkum Fih*) in the following Quranic verses and *hadiths*: (5 marks)
- (i) "It is prescribed, when death approaches any of you, if he leaves any property, that he must make a bequest to parents and next of kin, according to reasonable usage; This is due from the Allah fearing". (*al-Baqarah*: 180) (1 mark)

- (ii) Ibn Umar (r.a) stated that the Prophet (pbuh) said: “No man should offer a proposal of marriage over the proposal of his brother until the first one gives up or gives him permission” (Narrated by *al-Bukhari*, *Hadith Sahih*) (1 mark)
- (iii) “O ye who believe! ask not (to your Prophet) questions about things which, if made plain to you, may cause you trouble. But if ye ask about things when the Qur'an is being revealed, They will be made plain to you, Allah will forgive those: for Allah is Oft-forgiving, Most Forbearing”. (*al-Maidah*: 101) (1 mark)
- (iv) Ibn Umar (r.a) stated that the Prophet (pbuh) said: “The believer eats in one stomach, and the disbeliever eats in seven stomachs.” (Narrated by *al-Bukhari* and *Muslim*, *Hadith Sahih*) (1 mark)
- (v) “On those who believe and do deeds of righteousness there is no blame for what they ate (in the past), when they guard themselves from evil, and believe, and do deeds of righteousness, (or) again, guard themselves from evil and believe,- (or) again, guard themselves from evil and do good. For Allah love those who do good”. (*al-Maidah*: 93) (1mark)

QUESTION 3 (15 Marks)

- (a) Briefly describe the types of *Haram*. Illustrate your answer with relevant examples. (5 marks)
- (b) Explain the divisions of condition (*Shart*) and hindrance (*Mani*). Support your answer with examples. (5 marks)
- (c) Identify the *hukm* and briefly describe the subject-matter (*al-Mahkum Fih*) in the following Quranic verses and *hadiths*: (5 marks)
- (i) “Divorced women shall wait concerning themselves for three monthly periods. Nor is it lawful for them to hide what Allah hath created in their wombs, if They have Faith In Allah and the Last Day. And their husbands

have the better right to take them back in that period, if They wish for reconciliation..." (*al-Baqarah: 228*)

(1 mark)

(ii) Ibn Abbas (r.a) said to his *Muazzin* on a rainy day: When you say *Ashhadu anna Muhammadan Rasulullah*, do not say, *Hayya 'ala al-Salah* (come to prayer); rather say, *Sallu fi buyutikum* (pray in your house). (Narrated by *al-Bukhari*).

(1 mark)

(iii) "O ye who believe! When ye prepare for prayer, wash your faces, and your hands (and arms) to the elbows; rub your heads (with water); and (wash) your feet to the ankles..." (*al-Maidah: 6*)

(1 mark)

(iv) "Anyone who, after accepting Faith In Allah, utters except for those who were coerced under compulsion, His heart remaining firm In Faith - but for those who open his heart to Unbelief, on them is wrath from Allah, and theirs will be a dreadful" (*al-Nahl: 106*)

(1 mark)

(v) "And remember we took a Covenant from the Children of Israel (to This effect): worship none but Allah. Treat with kindness your parents and kindred, and orphans and those In need; speak fair to the people..." (*al-Baqarah: 83*)

(1 mark)

QUESTION 4 (15 Marks)

(a) Describe in detail the views of Scholars on the concept of valid (*Sahih*) and void (*Batil*) in relation to its effects on the acts of devotion and transaction.

(5 marks)

(b) Define legal capacity (*al-Ahliyyah*) in the light of Shariah. Briefly describe the receptive legal capacity (*ahliyyah al-Ada'*). Support your answer with examples.

(5 marks)

(c) Explain the effects of ignorance for a Muslim and for *al-Zimmi* in a Muslim state.

(5 marks)

QUESTION 5 (15 Marks)

(a) Define the cause (*Sabab*) and discuss its divisions. Support your answer with relevant examples.

(5 marks)

(b) Insanity is a factor that may affect capacity (*al-Ahliyyah*). Illustrate this statement in relation to its effect on transaction and acts of devotion.

(5 marks)

(c) Illegal consumption of intoxicant drinks may defect legal capacity (*al-Ahliyyah*). Discuss the views of Scholars in relation to its effects on verbal transaction. Support your answer with relevant proofs.

(5 marks)

بالتوفيق والنجاح