



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**

Final Examination Question Paper

Course Code : LS 4303
Course Name : Fiqh al-Qada' wa Turuq al-Ithbat
(Fiqh of Judiciary and Procedures)
Course Level : Bachelor of Laws (LL.B) & Bachelor of
Shariah Laws (BSL)
Time : 3 hours

Notes:

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

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

(Compulsory question)

QUESTION 1 (15 Marks)

Solve the following cases and state its punishment with evidence and proof:

- (a) Maria saw a dead body of a man lying in the pool of blood on the floor of her kitchen while beside him there was another man holding a blood-stained fork.
(5 marks)
- (b) A woman was raped by an unknown man on her way to work during night shift. She raised the alarm and a number of people gathered there and caught a man who was identified by her. He protested his innocence. At the same time another man confessed that it was he who has committed the crime.
(5 marks)
- (c) Sofian refuses to acknowledge his newborn baby as his child and accuses his wife, Katrina, of having an affair with another man.
(5 marks)

QUESTION 2 (15 Marks)

- (a) Define *al-Muhtasib* and *al-Hisbah*.
(5 marks)
- (b) Describe what are the three types of judges in Shari'ah. Illustrate your answer with examples for those types of judges .
(5 marks)
- (c) Explain how was the Islamic Judiciary during Abasiyyah Caliphate.
(5 marks)

QUESTION 3 (15 Marks)

(a) What are the differences between *al-Madzalim* and *al-Mufti*? Support your answer with examples.

(5 marks)

(b) Describe situations where a woman becomes permissible to be a *Qadi*. Support your answer with evidence.

(5 marks)

(c) Briefly describe the opinions of *'ulama* in the following Quranic verse:

Allah says, to the effect , ‘...And never will Allah grant to the Unbelievers a way to triumph over the Believers.’ (an-Nisa’: 141).

(5 marks)

QUESTION 4 (15 Marks)

(a) State the opinion of *ulama*’ regarding the terms ‘literacy’ for the testifying witness.

(5 marks)

(b) Define *al-qur’ah* and describe the reasons why the *'ulama* have accepted it.

(5 marks)

(c) Describe the required number of witnesses to prove cases involving property and its textual proofs from *al-Qur’an*.

(5 marks)

QUESTION 5 (15 Marks)

(a) Briefly describe what are the views of *ulama* on *al-Qarinah*. Support your answer with evidence from the *Qur’an*.

(5 marks)

(b) What are the differences between *al-Qarinah* and *al-Shahadah*. Support your answer with evidences from the *Qur'an* or *Sunnah*.

(5 marks)

(c) Describe *al-Qiyafah* and its validity as a source of evidence in Shari'ah.

(5 marks)

بالتوفيق والنجاح