



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

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

**Examination Question Paper**

**Course Code : LB 1305**  
**Course Name : Legal System of Brunei & ASEAN**  
**Course Level : Bachelor of Laws (LL.B) & Bachelor of Shariah Law (BSL)**  
**Time : 3 hours**

**Note(s):**

- (1) Answer any four of the following questions.
- (2) Support your answers with relevant statutory provisions and decided cases.



**QUESTION 1 (15 marks)** **جامعة السلطان الشريف علي الإسلامية**  
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a) Discuss the basic law of Brunei Darussalam before the coming of the British and state examples of its implementation.

(5 marks)

b) What were the written laws in Brunei Darussalam before the coming of the British? Elaborate on its contents and status after the coming of the British.

(10 marks)

**QUESTION 2 (15 marks)**

a) State ten (10) differences between Shariah and man-made law.

(10 marks)

b) Explain the view of John Stuart Mill on the issue of whether law should reflect morality.

(5 marks)

**QUESTION 3 (15 marks)**

The amendment of Article 121 of the Malaysian Federal Constitution is intended to settle the conflict of jurisdiction between the civil and Shariah courts. Before the amendment the civil courts could encroach into the jurisdiction of the Shariah courts.

Discuss the above statement and state your opinion on the effectiveness of the amendment and support your answer with decided cases.

**QUESTION 4 (15 marks)**

Answer the following questions:

- a) Define the law according to John Austin and discuss three (3) differences between law and morality. (5 marks)
- b) State the type of legal system in Indonesia and Brunei Darussalam and explain four (4) of their differences. (5 marks)
- c) Discuss the qualifications and limitations of *Dato' Yuthitham* in Thailand. (5 marks)

**QUESTION 5 (15 marks)**

Article 3 (1) of the Malaysian Federal Constitution states that Islam is the religion of the Federation; but other religions may be practiced in peace and harmony in any part of the Federation.

Does this indicate that Malaysia is an Islamic state? Discuss and support your answer with relevant cases.

بالتوفيق والنجاح