



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

**Faculty of Shariah and Law
Semester II, 2014/2015 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 Law (BSL)**
Time : 3 hours

Notes:

- 1. Question 1 is compulsory.**
- 2. 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 problems and state its punishment with relevant authority, evidence and proof:

- (a) 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)
- (b) Lizam saw a dead body of a man lying in the pool of blood in his compound while beside him there was another man holding a blood-stained knife.
(5 marks)
- (c) Jamilah's husband refused to acknowledge their newborn baby as his child.
(5 marks)

QUESTION 2 (15 Marks)

- (a) Define *Qada'* and explain its ruling?
(5 marks)
- (b) Explain only three types of judges in Shari'ah. Illustrate your answer with examples for those types of judges.
(5 marks)
- (c) Describe how was the Islamic Judiciary during al-Rasyidin Caliphate.
(5 marks)

QUESTION 3 (15 Marks)

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

(5 marks)

(b) Explain situations where non *mujtahid* becomes permissible to be a *Qadi*. Support your answer with relevant authorities.

(5 marks)

(c) Briefly explain the opinions of '*ulama* from the following Quranic verse:

'Men are the protectors and maintainers of women, because Allah has given the one (men) more (strength) than the other (women)...' (an-Nisa': 34).

(5 marks)

QUESTION 4 (15 Marks)

(a) State the opinions '*ulama* regarding the terms " '*Adl* " for the testifying witness:

(5 marks)

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

(5 marks)

(c) Explain *al-Qiyāfah* and state the reasons why majority of '*ulama* have accepted it.

(5 marks)

QUESTION 5 (15 Marks)

- (a) Briefly explain what are the Hanbalis and Hanafis views on evidence based on personal knowledge of a judge (*al-‘Ilm al-Qadi*). (5 marks)
- (b) What are the differences between *al-Iqrar* and *al-Yamīn*. Support your answer with relevant evidences from the *Qur’an* or *Sunnah*. (5 marks)
- (c) Briefly explain *Qasāmah* and its validity as a source of evidence in Shari’ah. (5 marks)

بالتوفيق والنجاح