



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

**Faculty of Syariah and Law
Semester II, 2014/2015 Academic Session**

Examination Question Paper

Course Code : LS 4304

Course Name : Islamic Family Law

**Course Level : Bachelor of Laws (LL.B) & Bachelor of
Shariah Law (BSL)**

Time : 3 hours

Reference

Islamic Family Law (Cap. 217)

Note:

Answer **FOUR** of the following questions.

Question 1 (15 Marks)

- i) Define talaq and the wisdoms of talaq. What are the kinds of talaq according to the Syafi'e school?

(3 marks)

- ii) If the husband divorces his wife, talaq will fall into any of four situations. State these situations and explain the impact of talaq on marriage and dower if the husband wishes to revoke the divorce. State your answer by referring to the Quranic verses, hadiths and Islamic Family Law (Cap 217), if any.

(4 marks)

- iii) Amir was a person who liked cleanliness. Anisa was a working mother and was always busy with her work. One day, after they were having lunch at home, Amir decided to go out and Anisa did not come along. When Amir returned home, he found out that the dishes were not yet cleaned and Amir could not find Anisa anywhere in the house. Amir asked his children and they told that their mother had gone out to work because her boss had called her for meeting. Amir tried to call Anisa but she did not answer the phone. So he texted Anisa via Whatsapp and wrote "Anisa, I divorce you, I divorce you, I divorce you." Anisa received the text and replied, "Abang, I am only out for work, how can you divorce me?" When Anisa came back home, Amir still meant what he said in the text and thus Anisa was sent back to her parent's home.

Discuss the talaq pronounced by Amir according to the Syafi'e school and state whether Anisa is entitled to 'iddah maintenance if she were to claim in court? Support your answer with Quranic verses, hadith, provisions from the Islamic Family Law (Cap 217) and cases.

(4 marks)

- iv) A month later, Amir missed Anisa and wished to revoke the divorce, so he approached Anisa and said “I want to take you back as my wife”. Anisa accepted it. However, Anisa’s mother was concerned with Anisa’s situation and brought the case to the court claiming that Anisa was divorced three times by Amir a month ago.

Can Amir revoke the divorce? Advise Amir on the procedures and rules in the Syariah court regarding the divorce he pronounced to Anisa. Support your answer with relevant provisions from the Islamic Family Law (Cap 217) and cases.

(4 marks)

Question 2 (15 Marks)

- i) What is betrothal according to Islamic law? Support your answer with a Quranic verse and hadith.
(1.5 marks)
- ii) What is the status of promise in betrothal? Explain and support your answer with a Quranic verse and hadith.
(2 marks)

- iii) In January 2014, Ani and Alim were betrothed. In the engagement ceremony, Ani and Alim exchanged engagement rings and other gifts. The wedding ceremony was scheduled in May 2014. However, Ani met Kasim in March 2014 and both were in love. It came to the knowledge of Alim about Ani's relationship when he saw Kasim and Ani were intimately together at a restaurant. Alim felt betrayed and as a result, Alim broke off the engagement. Ani was angry and ashamed that Alim broke off the engagement and asked Alim to give back or pay all the gifts that she had given him. Alim refused to do so. Ani brought this case to the court to claim for the return of the gifts she had given Alim. Alim also claimed the return of the engagement ring and other gifts he had given Ani. Advise both parties in relation to their rights in this case and support your answer with relevant provision/s in the Islamic Family Law (Cap 217) and cases. (4 marks)
- iv) Fatimah and Syukri got married in March 2013 and had a child. However, on 18 July 2014, Syukri divorced Fatimah with one talaq. Halim, one of Fatimah's friends had admired Fatimah and he approached Fatimah and expressly promised to marry her once her 'iddah finished. Syukri challenged Halim and stated that Halim had no right over Fatimah. Discuss whether Halim can promise to marry Fatimah and support your answer with a Quranic verse and the opinions of the four Sunni schools. (3.5 marks)

- v) Fatimah and Halim were engaged and they planned to get marry in March 2013. However, in December 2012, Halim was posted overseas for a year and thus the marriage was postponed because Halim wanted them to get married after his return from overseas. Later, Fatimah was introduced to Syukri as her new working partner at the office. Syukri and Fatimah became close and finally they were married in March 2013. Halim was devastated and he applied to the court for the marriage to be annulled. Discuss whether the marriage can be annulled and state your reason why. Can Halim claim any right in this case? State the relevant provision from the Islamic Family Law (CAP 217) and a case.

(4 marks)

Question 3 (15 Marks)

1. Ahmad and Siti were married on 1 February 2014. In the marriage contract, the dower is named. However, after the solemnization of their marriage, Ahmad suffered a heart attack and died. A few years later, Siti's father found Sofian, a religious teacher (Ustaz) and would like Siti and Sofian to become husband and wife. Siti was reluctant to get married as the memory of Ahmad still lingered. However, Siti's father insisted that the marriage with Sofian was the best for her. Describe Siti's 'iddah period due to the death of Ahmad, state Siti's right on the dower, and whether Siti's father can force her into marriage with Sofian? Discuss by referring to the Quranic verses, hadiths, the opinion of the Syafi'e school and the relevant provisions in Islamic Family Law (CAP 217).

(5 marks)

2. State the iddah period and support your answer with the Quranic verses:

- i) A woman is divorced and the marriage is consummated and she has her monthly menses.
- ii) A woman is divorced and the marriage is consummated but she is menopause or do not have any monthly menses.
- iii) A woman who is pregnant.
- iv) A woman whose husband passes away and the marriage is not consummated.
- v) A woman who is divorced and the marriage is not consummated.

(5 marks each)

3. What is dower? What are the evidences in the Quran and hadith which indicate dower is obligatory? State the wisdom of dower and discuss when the dower is to be paid in full, when it is to be paid half and when the husband does not need to pay the dower to the wife. Support your answer with the Quranic verses.

(5 marks)

Question 4 (15 Marks)

Explain the following topics:

1. Mut'ah.
2. Li'an.
3. Ijab and qabul in marriage.

(5 marks each)

Question 5 (15 Marks)

The wife of Thabit bin Qais came to the Holy Prophet (peace be upon him) and said: "O Allah's Messenger! I do not blame Thabit for his defects in his character or religion but I, being a Muslim, dislike to behave in an unIslamic manner (if I remain with him)." On that Allah's Messenger said to her: "Will you give back the garden which your husband has given you?" She said: "Yes." Then the Prophet (peace be upon him) said to Thabit: "O Thabit! Accept your garden and divorce her once."

Explain the type of dissolution of marriage in the above hadith and support your answer with the Quranic verses, relevant provisions in the Islamic Family Law (Cap 217) and decided cases.