



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

**Faculty of Shariah and Law**  
**Semester II, 2017/2018 Academic Session**

**Final Examination Question Paper**

**Course Code : SD1201**  
**Course Name : Islamic Criminal Law**  
**Course Level : Higher National Diploma**  
**Time : 3 hours**

**Note:**

Answer any **four** of the following questions.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

**QUESTION 1 (15 Marks)**

(a) Discuss what is meant by punishments prescribed as the right of Allah, the reason/s why these punishments are prescribed as the right of Allah and the offences that are punished by such punishments. Support your answer with Qur'anic verses and/or hadith.

(10 marks)

(b) State and discuss the Qur'anic verses of Al-Baqarah (2: 178), Al-Maidah (5:45) and Al-Israa' (17: 33).

(5 marks)

**QUESTION 2 (15 Marks)**

(a) Define *hadd*, *qisas* and *ta'zir* and state three examples of crime under *ta'zir*.

(3 marks)

(b) State the conditions for theft liable to *hadd*.

(5 marks)

c) State how to prove theft liable to *hadd*.

(2 marks)

(c) Explain the *hadd* punishment of theft for first and subsequent offences according to the four Sunni schools and the Syari'ah Penal Code Order, 2013.

(5 marks)

**QUESTION 3 (15 Marks)**

- a) Explain the distinguished features of Islamic criminal law.  
(5 marks)
- b) Discuss what is *maqasid syari'ah* and the significance of preserving *maqasid syari'ah* in Islamic Criminal Law. Support your answer with Quranic verses and your own opinion.  
(10 markah)

**QUESTION 4 (15 Marks)**

- a) In *Qisas*, Allah stated in al-Qur'an (2:179) as translated:  
"And there is life for you in retaliation."  
  
Discuss the wisdom of this verse with respect to human's right to live and the issue of death penalty affecting one's right to live.  
(5 marks)
- b) The Shariah Penal Code penalties do appear harsh, but in this harshness is a lot of mercy. These penalties include *hadd* punishments. Discuss mercy in *hadd* punishments.  
(5 marks)
- c) *Hudud* offences can be punished with *ta'zir* punishments. Agree or not? Discuss.  
(5 marks)

**QUESTION 5 (15 Marks)**

- a) Explain the meaning of *zina* and the consequences of committing *zina*.  
(5 marks)
- b) Define *Muhsan* and *Ghairu muhsan* according to the Syariah Penal Code Order, 2013.  
(2 marks)
- c) Discuss the punishment of *zina* for *muhsan* and *ghairu muhsan*. Support your answer with the Qur'anic verses and/or Hadith.  
(4 marks)
- d) Explain how to prove *zina* and *qazf* liable to *hadd* punishment according to the Syariah Penal Code Order, 2013.  
(4 marks)

بالتوفيق والنجاح