



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

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

Final Examination Question Paper

Course Code : SD 1301
Course Name : Legal System of Brunei and ASEAN
Course Level : Higher National Diploma
Time : 3 hours

Note(s):

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

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Question 1 (15 marks)

- a) Explain two (2) similarities and two (2) differences between Malaysia and Brunei legal systems and between Indonesia and Brunei legal systems. (8 marks)
- b) Discuss briefly the history of Common law. (5 marks)
- c) State two (2) differences between law and morality. (2 marks)

Question 2 (15 marks)

- a) Discuss the following cases:
- i) *Lina Joy v Majlis Agama Islam Wilayah Persekutuan dan lain-lain* [2007] 4 MLJ 585 (5 marks)
- ii) *Soon Singh a/l Bikar Singh v Pertubuhan Kebajikan Islam Malaysia (PerKIM) Kedah & Anor* [1992] 2 AMR 1211 (5 marks)
- iii) *Nafsiah v Abdul Majid* [1969] 2 MLJ 175 (5 marks)

Question 3 (15 marks)

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

Does this indicate that Islamic law is the basic law of Malaysia and the Shariah court has unlimited jurisdiction? Discuss and support your answer with relevant provisions from the Federal Constitution and cases.

Question 4 (15 marks)

- a) Discuss the basic law of Brunei before the coming of the British and state three (3) examples of its implementation.
(5 marks)
- b) State, in order of prominence, the hierarchical structure of civil and Syariah courts in Brunei.
(5 Marks)
- c) Discuss the qualifications and limitations of Dato' Yuthitham in Thailand.
(5 marks)

Question 5 (15 marks)

- a) State ten (10) differences between civil law and Shariah.
(10marks)
- b) State three (3) differences between civil law and common law.
(3 marks)
- c) State two (2) differences between civil law and criminal law.
(2 marks)

بالتوفيق والنجاح