



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

Faculty of Shari'ah and Law
Semester III, 2014/2015 Academic Session

Examination Question Paper

Course Code : LS 3304
Course Name : Al-Qawaid Al-Fiqhiyyah
Course Level : Bachelor of Laws (LL.B)
Time : 3 hours

Note(s):

- (1) Answer any four of the following questions.
- (2) Support your answers with relevant Qur'anic verses and traditions of Prophet Muhammad (p.b.u.h).

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Question 1 (15 marks)

A. Explain briefly the meaning of the maxim "Hardship begets facility".

(5 marks)

B. A contract to sell a commodity which one does not possess at the time of making a contract the sale contract is not lawful.

Explain its application in the context of the above-mentioned legal maxim.

(10 marks)

Question 2 (15 marks)

A. State the sources of the maxim "Hardship begets facility".

(5 marks)

B. States five (5) types of hardship that begets facility.

(10 marks)

Question 3 (15 marks)

A. Explain five (5) characteristics and significance of the Islamic legal maxims.

(5 marks)

B. What are the differences between general maxims (*al-Qawa'id al-Fiqhiyyah*) and doctrinal maxims (*al-Qawa'id al-Mazhabiyyah*)? Give five (5) books on Islamic legal maxims in Hanafi school of law and Shafi'i school of law.

(10 marks)

Question 4 (15 marks)

A. Describe the meaning of the maxim "Matters are determined according to their intentions".

(5 marks)

B. Elaborate applications on version (*sighah*) of contracts in the context of the above-mentioned legal maxim.

(10marks)

Question 5 (15 marks)

A. "If any one of you has pain in his abdomen, but is doubtful whether or not anything has issued from him, he should not leave the mosque unless he hears a sound or perceives a smell"

(Narrated by Muslim)

Relate the above-mentioned hadith with the maxim "Certainty is not overruled by doubt".

(5 marks)

B. If a person's cloth is wet from liquid then he is not obliged to find out about the liquid or ask about it. Based on that, if the bottom side of his cloth got wet at night or during daytime, he is then not obligated to smell it or find out about it. However, if he was certain about it then he should just act accordingly.

Explain its application in the context of the maxim "Certainty is not overruled by doubt".

(10 marks)

بالتوفيق والنجاح