



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

Faculty of Shariah and Law
Semester II, 2011/2012 Academic Session

Final Examination Question Paper

Course Code : LS 3302

Course Name : Fiqh of Marriage

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

Time : 3 hours

Notes:

1. Answer all questions.
2. All answers, wherever relevant, must be supported by statutory provisions and case law.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

QUESTION 1 (20 Marks)

1. Syafie scholars state that *wali* is one of the essential elements of marriage contract. Thus, if marriage is contracted without *wali*, it must be dissolved before and after consummation:

(a) State the proof from al-Quran on the importance of *wali*. (1 mark)

(b) What is *wali mujbir*? (1 mark)

(c) Explain the conditions of validity of *wilayat al-ijbar*. (3 marks)

(d) Can *fasiq* be a *wali*? (3 marks)

2. Clarify the following chapter about “Nikah Gantung” (suspended marriage contract):

(a) What is “Nikah Gantung”? (2 marks)

(b) State three (3) reasons on why “Nikah Gantung” exists. (3 marks)

(c) Describe three (3) views of contemporary scholars on potential problems of “Nikah Gantung”. (3 marks)

(d) What is your opinion on “Nikah Gantung”? (1 mark)

3. When is the wife not entitled to mut'ah?

(3 marks)

QUESTION 2 (15 Marks)

1. Explain with proofs on the following matters:

(a) The marriage between Muslim men and Jews or Christian women.

(4 marks)

(b) The marriage of non-Muslim spouse but then one of them embraced Islam.

(4 marks)

2. This article shows the different rate of “*wang hantaran*’ for a bride is influenced by her academic qualification.

Table showing the relationship between academic qualifications and the amount of 'wang hantaran' (dowry) given to brides:

Qualification	Amount
UPSR dan PIR	RM2,000
SPM	RM3,000
STPM dan DIPLOMA	RM6,000
IJAZAH	RM12,000
IJAZAH SARJANA	RM15,000
IJAZAH PASCA SARJANA	RM20,000

Higher the academic qualification, higher the rate of ‘*wang hantaran*’.
Explains this phenomena in the light of Syariah.

(4 marks)

3. Define the meaning of dowry (*as-Saddaq*) and its type.

(3 marks)

QUESTION 3 (15 Marks)

1. *Fasakh* is one way of dissolving marriage:

(a) Define the meaning of *fasakh*

(1 mark)

(b) State 5 kinds of physical defects that can be claimed as a reason of *fasakh*

(2.5 marks)

(c) Describe the right to dissolve marriage because of physical defects and its effect on the dower.

(3.5 marks)

2. The Prophet (PBUH) said regarding “*nikah mut’ah*”:

“Oh People! I would give you permission to practice *mut’ah*,
but Allah has forbidden it until the Day of Resurrection”

a) Why “*nikah mut’ah*” was permitted at the beginning of Islam and then afterwards prohibited?

(3 marks)

b) What should the woman get, if the annulment of her *nikah mut’ah* takes place after the consummation?

(1 mark)

3. Describe two(2) non-Islamic practices (customs) in Brunei Muslim wedding with proofs.

(4 marks)

QUESTION 4 (10 Marks)

1. State two(2) differences between:

(a) “Talak bain” and “Talak raj’ie”

(2 marks)

(b) “Talaq Sunnie” and “Talaq bid’ie”

(2 marks)

(c) “Ila’ “and “ Li’an”

(2 marks)

2. Explain four (4) of our responsibilities towards our children.

(4 marks)

بالتوفيق والنجاح