



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

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

Examination Question Paper

Course Code : LS 2302
Course Name : Islamic Legal System
Course Level : Bachelor of Laws (LL.B) & Bachelor of
Shariah Law (BSL)
Time : 3 hours

Note:

Answer all questions.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

QUESTION 1 (15 Marks)

- (a) Define “legal system”. Explain the objective and the main characteristics of Islamic legal system and give relevant examples. (5 marks)
- (b) Distinguish between *Shariah* and *Fiqh*. Support your answer with a relevant proof. (5 marks)
- (c) Evaluate the importance of the sources of Islamic law in respect of their implementation. (5 marks)

QUESTION 2 (15 Marks)

- (a) State a difference between *dharurat* (necessity) and *wajib* (compulsory). Explain the modes of *ijtihad* in solving the problem which arises in the society. Support your answer with relevant proofs. (5 marks)
- (b) Umayyad dynasty has showed the unification of the Islamic Empire and the development of *Fiqh*.
- (i) State the conflicts which had occurred in the *Umawi* mosque at the beginning of Umayyad dynasty. (2 marks)
- (ii) Discuss the negative impact on the development of the process on Hadith compilation in the era of the Umayyad dynasty. (3 marks)
- (c) Several factors had led to the evolution of Islamic legal system, during the golden and declination periods of the Abbasid dynasty. Explain the following two factors and their impacts:

- (i) Government support towards the development of *Fiqh* and the *Fuqaha* (*Fiqh* scholars); and (2 marks)
- (ii) Emergence of different schools (*mazhabs*) of Islamic law. (3 marks)

QUESTION 3 (15 Marks)

(a) *Hukum Kanun Brunei* (HKB) was the first written law that was implemented in the 19th century that laid the foundation of the Islamic legal system in Brunei Darussalam.

- (i) Compare the jurisdictions of Shariah courts according to Muhammadan Law Enactment 1912 and Emergency (Shariah Courts) Order, 1998. Support your answer with relevant advantages and disadvantages from both jurisdictions.
- (ii) Differentiate the role and functions of a *Qadi* and a *Syar'i* judge in accordance with the Islamic judicial system generally and the Emergency (Shariah Courts) Order, 1998. (5 marks each)

(b) Define *wakalah bi al-Khususmah*. Describe the etiquette of *syar'i* lawyers according to the concept of *wakalah bi al-Khususmah* in the light of *Hukum Syara'*. (5 marks)

QUESTION 4 (15 Marks)

- (a) State the procedures in the appointment of a Mufti under the Islamic Religious Council and Kadi Courts Act (Cap. 77). (5 marks)
- (b) Describe the development of Fatwa collection and compilation in Brunei Darussalam from the year 1994 to date. (5 marks)

(c) Outline the components of the institution of Fatwa, and explain the role of Fatwa in solving contemporary issues arising in the society.

(5 marks)

بالتوفيق والمنجاح