



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

**Faculty of Shariah and Law
Semester II, 2015/2016 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 Laws (BSL)**

Time : 3 hours

Notes:

1. Answer any **FOUR** of the following questions.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

QUESTION 1 (15 Marks)

1. The importance of the institution of marriage receives its greatest emphasis from the following Hadith of the Prophet (PBUH):

“النَّكَاحُ مِنْ سُنَّتِي فَمَنْ لَمْ يَعْمَلْ بِسُنَّتِي فَلَيْسَ مِنِّي”

“Marriage is my sunnah. Whoever keeps away from it is not from me”

- a) Discuss the meaning of *nikah* according to Muslim scholars and determine its' conclusion. Support your answer with two legal evidences from al-Qur'an. (9 marks)
- b) State three purposes of *nikah* with a legal proof from al-Quran or as-Sunnah respectively. (3 marks)

2. State the duration of waiting period for the following women:

- (a) A widow
(b) A pregnant woman
(c) A divorcee among menopause woman.

(1 mark each)

QUESTION 2 (15 Marks)

1. Shafi'e 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 legal proof from al-Quran on the importance of *wali*.

(1 mark)

- (b) What are *wali mujbir* and *wali ikhtiar*?

(2 marks)

(c) Explain the conditions of validity of *Wilayat al-Ijbar*.

(3 marks)

(d) Can a *fasiq* man be a *wali*?

(3 marks)

2. State two differences between:

a) *Talak bain and Talak raj'ie*

b) *Khuluk and Zihar* and

c) *Ila' and Li'an*

(2 marks each)

QUESTION 3 (15 Marks)

1. Besides our common marriage in Islam, there are less known and less practised marriages that have been practiced in some areas and some customs in this world such as *nikah gantung*, *nikah misyar* and *nikah mut'ah*:

a) Define the meaning of *nikah gantung*, *nikah misyar* and *nikah mut'ah*.

(3 marks)

b) Explain the differences in terms of period and maintenance of these three types of *nikah*.

(3 marks)

c) State three reasons of practicing these three kinds of the above three marriages.

(3 marks)

d) In your opinion, are these types of *nikah* are suitable to be applied in Brunei Darussalam? Why?

(2 marks)

3. Describe two rights of a man after the dissolution of marriage.

(4 marks)

QUESTION 4 (15 Marks)

1. *Mahar* is one of the essential pillar or prerequisite for the validity of marriage.

- a) State a proof from al-Quran regarding *mahar*. (1 mark)
- b) If a husband is unable to pay *mahar*, does a wife has a right to dissolution of marriage? (3 marks)
- c) When is the wife entitled to have only half of the *mahar*? (3 marks)
- d) What should be done if there is dispute over the amount of *mahar* and its' delivery? (4 marks)

2. This article shows that insufficient of *wang hantaran* can lead to the cancellation of *aqad nikah* at the mosque.



- a) State two differences between *mahar* and *wang hantaran*. (2 marks)
- b) Provide your own opinions on how to solve this problem . (2 marks)

Question 5: (15 marks)

1. Domestic helper (*amah*) is a person who works within the employer's household with specified wages. The worker usually perform a variety of household services for a family.

- a) Does a husband must provide a domestic helper if his wife asked for her? Discuss this issue by taking into account the different views of Islamic scholars. (4 marks)
- b) According to syariah, give two rules of having domestic helper in employer's house. (2 marks)
- c) What is your opinion? (1 mark)

2. *Nusyuz* is not only occurred among certain wives but also husbands.

- a) What is *nusyuz*? (1 mark)
- b) What are the solution of *nusyuz* among wives? Support your answer with a proof from al-Qur'an al-karim. (4 marks)
- c) In order to maintain a peaceful marriage, explain three mutual rights and obligations that should be shared between a husband and a wife. (3 marks)