



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

**Faculty of Syariah and Law  
Semester II, 2015/2016 Academic Session**

**Final Examination Question Paper**

**Course Code : SJ 4310**

**Course Name : Kanun Jenayah Syariah**

**Course Level : Bachelor of Laws and Bachelor of Shariah  
Laws (LL.B&BSL), Bachelor of Shariah  
(Fiqh and Usul) and (Fiqh and Judiciary)**

**Time : 3 hours**

**Note (s):**

Answer ALL questions.

**Question 1 (15 marks)**

Analyse the following cases and support your answer with your own opinion:

a) Hazoor Bakhsh v Federation of Pakistan PLD 1981 1 FSC 145  
(7.5 marks)

b) Federation of Pakistan v Hazoor Bakhsh PLD 1 1983 FSC 255.  
(7.5 marks)

**Question 2 (15 marks)**

a) Discuss the significance of preserving *maqasid shari'ah* in Islamic Criminal Law. Support your answer with Quranic injunctions and state your own opinion.

(8 marks)

b) Explain the meaning of the 'Rights of Allah' and the 'Rights of Individual' in Islamic Criminal Law.

(5 marks)

c) Define the term "crime" in the context of Islamic Criminal Law.

(2 marks)

**Question 3 (15 marks)**

Analyse and differentiate the three cases below and support your answer with your own opinion:

- i) Latif & Another vs The State PLD 1981 FSC 108
- ii) Sanauallah vs The State PLD 1991 Federal Shariat Court 186 and
- iii) Ghulam Ali v The State PLD 1986 Supreme court 741

(5 marks each)

**Question 4 (15 marks)**

- a) Define the terms ‘Ikrar’, ‘Syahid’, ‘Ghair muhsan’, ‘Sulh’, ‘Mumaiyiz’, ‘Baligh’ and ‘Syahadah’.  
(3.5 marks)
- b) Explain the difference between the provisions of *Zina bil Jabr* in the Syariah Penal Code Order, 2013 and Rape in the Penal Code (Cap. 22)  
(3 marks)
- c) For the punishment of Qisas, Allah states in al-Qur’an (2:179):

"ولكم في القصاص حياة"

“And there is life for you in retaliation.”

Discuss the wisdom of this verse with respect to human right to life and the issue of death penalty that violates one’s right to life.

(5 marks)

- d) Define the term “Ta’zir” and explain the offences that are categorized as Ta’zir offences. State your answer with examples from the Syariah Penal Code Order, 2013.

(3.5 marks)