



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

**Faculty of Shariah and Law  
Semester I, 2020/2021 Academic Session**

**Final Examination  
Question Paper**

**Course Code : LS3301**  
**Course Name : Fiqh of Transaction**  
**Course Level : Bachelor's Degree**  
**Time : 3 hours**

**Instructions:**

1. Answer any **FIVE** of the following questions.
2. Question 1 is Compulsary.

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**QUESTION 1 (20 Marks) [COMPULSARY]**

(a) Define expression and discuss it according to Islamic Schools. Is *bay* contract permissible without *qauli*? Give an example. (5 Marks)

(b) What are the differences between *Bay al-'Inah* and *Tawarruq*? Despite both deemed as controversial, one is more favourable according to contemporary scholars. Discuss with reasons. (5 Marks)

(c) Discuss the following situation and its effect in Islamic law: -

i. If a borrower voluntarily returns an additional amount over and above the principle of lender in *qard* contract. (2 Marks)

ii. If the owner of the capital participates in the management of the business in a *mudharabah*. (2 Marks)

iii. If a pledger cannot settle the loan, the pledged property automatically belongs to the pledgee. (2 Marks)

iv. If a seller exchanges BND100.00 with 10kg of high quality of dates deferred delivery to buyer. (2 Marks)

v. Exchange of 10kg of Beras Wangi with 20kg of wheat on the spot. (2 Marks)

**QUESTION 2 (10 Marks)**

(a) Define *Bai Bithaman Ajil* (BBA) and its conditions. Is it permissible according to majority of 'ulama and contemporary scholars? (8 Marks)

(b) How is *Bai Bithaman Ajil* (BBA) contract different from interest-bearing loan contract? (2 Marks)

**QUESTION 3 (10 Marks)**

(a) Define Usufruct and the conditions for the services of usufruct in *ijarah* contract.

(8 Marks)

(b) Fiqh scholars have different views on the termination of *ijarah* contract with the death of either party. Discuss.

(2 Marks)

**QUESTION 4 (10 Marks)**

(a) Define Fudhuli and discuss muslim jurists' opinions on *al-Fadhalah*.

(6 Marks)

(b) Explain *wakalah* literally and legally and its main purpose.

(4 Marks)

**QUESTION 5 (10 Marks)**

(a) What are the conditions of *mufawadhah* and discuss the disagreements among Muslim Jurists on *Syarikah Mufawadhah*.

(6 Marks)

(b) What is your opinion on *Syarikat al-a'mal*? Support your answer with an example.

(4 Marks)

**QUESTION 6 (10 Marks)**

(a) Explain the different types of *mudharabah* according to Fiqh of School.

(6 Marks)

(b) What are the reasons why fixed return to either *Sahibul Mal* or *Mudarib* in *mudharabah* contract are not allowed?

(4 Marks)

**QUESTION 7 (10 Marks)**

Explain the following types of contracts and verify the legal conditions with *dalil*:

(a) *Al-Qard.*

(2½ Marks)

(b) *Al-Ja'alah.*

(2½ Marks)

(c) *Al-Salam.*

(2½ Marks)

(d) *Al-'Urbun.*

(2½ Marks)

بالتوفيق والنجاح