



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

Faculty of Shariah and Law
Semester III, 2021/2022 Academic Session

Final Examination Question Paper

Course Code : LB 1305
Course Name : Legal System of Brunei & ASEAN
Course Level : Bachelor's Degree
Time : 3 hours

Note(s):

1. Answer any **four** of the following questions.
2. All answers, wherever relevant, must be supported by statutory provisions and case law.

QUESTION 1 (15 marks)

Discuss the Hierarchy of the courts and their jurisdictions in Brunei Darussalam.

QUESTION 2 (15 marks)

1. Describe the meaning of the word “Legal System”, and explain its types.
(5 marks)
2. Discuss the concept of Shiqaq under Islamic Family Law (Chapter 217) which is applicable in Brunei Darussalam.
(10 marks)

QUESTION 3 (15 marks)

1. Discuss the roles of *Dato' Yuthitham* in relation to the application of Islamic law in Patani, Narathiwat, Yala and Satul B.E. 2489 (1946).
(5 Marks)
2. In the case of *Nuriyah v Ma'ri Peng Che Leh* (B.E. 2542/1999) Patani Provincial Court, Civil Suit No: 787, discuss the above case in respect of the application of section 3 of the application of Islamic law in Patani, Narathiwat, Yala and Satul B.E. 2489(1946).
(10 marks)

QUESTION 4 (15 marks)

Describe the jurisdictions of the following courts in Malaysia:

1. Syariah Appeal Court. (5 marks)
2. First Class Magistrate. (5 marks)
3. Syariah Subordinate Court. (5 marks)

QUESTION 5 (15 marks)

Discuss the position of Islam and Islamic Family Law under the Malaysian Federal Constitution.

QUESTION 6 (15 marks)

1. Explain **ONE (1)** relevant legislation on Muslim law in Singapore.
(5 marks)

2. Discuss the following cases in respect of the dissolution of marriage by court decree under Muslim Family Law and Law of Inheritance Code 1941(6) in the four boarder province of Southern Thailand:
 - a. Hama v Pisoh Molo (B.E.2542/1999) Patani Provincial Court, Civil Suit No: 761
 - b. *Kholeeyoh Abu Dayo v Mahama Abu Dayo (B.E.2543/2000) Yala Provincial Court*
(10 marks)

بالتوفيق والنجاح