



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

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

Final Examination Question Paper

Course Code : LS4303
Course Name : Fiqh of Judiciary and Procedures
Course Level : Bachelor's Degree
Time : 3 hours

Note:

Answer any FOUR (4) questions from the following questions

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Question One:(15 marks)

During the trial of a man accused of theft (*sariqah*), the prosecution provided two secondary witnesses who have a valid written authorization from a primary witness to testify on behalf of him (*syahadah ala al syahadah*). However, the defense provided a document denying such authorization.

Discuss the admissibility of this secondary testimony (*syahadah ala al syahadah*) in light of the requirements for secondary testimony (*syahadah ala al syahadah*) according to *fiqh* and Syariah Courts Evidence Order 2001. Justify your answer.

Question Two:(15 marks)

Discuss the views of Muslim scholars on accepting the testimony (*syahadah*) by one witness with the oath from the plaintiff as sufficient ground for making a judgement in civil matters. The answer should focus on the arguments used by various scholars.

Question Three:(15 marks)

Compare and contrast *bayyinah* with *syhadah* in terms of their meaning, scope, and effect in making a judgment according to *fiqh* and Syariah Courts Evidence Order 2001.

Question Four:(15 marks)

Elaborate the admissibility of admission or confession by a blind or a speech impaired person in shariah? Justify your answer.

Question Five:(15 marks)

Discuss the views of Muslim scholars on the admissibility of admission and confession made outside the court?

بِالتَّوْفِيقِ وَالنَّجَاحِ