



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 : LS2303

Course Name : Fiqh of Will, Endowment and Donations

Course Level : Bachelor's Degree

Time : 3 hours

Notes:

Answer any **four** of the following questions.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

QUESTION 1 (15 MARKS)

- (a) With reference to the Şhariah provisions, explain Shariah basis of *Wasiyyah*. (7 Marks)
- (b) Explain legitimacy of *Waqf* from Şhariah sources. (8 Marks)

QUESTION 2 (15 MARKS)

- (a) Elaborate Conditions for the Validity of *Waqf*. (8 Marks)
- (b) 'Reception' is an important condition of a gift (*hibah*) contract. Briefly, explain jurists' opinions related to this condition. (7 Marks)

QUESTION 3 (15 MARKS)

Ahmad made a *Wasiyyah* that after his death $\frac{1}{2}$ of his wealth is to be given to his adopted son Musa and another $\frac{1}{6}$ to be given to his son Ali. Ahmad died leaving behind a wife, father, mother, two sons and two daughters. With reference to Shariah provisions, analyse this case.

QUESTION 4 (15 MARKS)

Abdullahi built a Mosque and at the same time donated a land adjacent to the Mosque as *waqf*. The land is being rented for a daily market to customers, and the profit obtained is used for the maintenance of the Mosque. However, due to the strategic location of the land, the trustee decided to sell a part of it to build a shopping mall on the remaining which is expected to produce more profit than the original land. Decide this case based on Shariah provisions.

QUESTION 5 (15 MARKS)

Analyse the effects and validity of the following gifts (*hibah*):

(a) Abdullahi made a gift (*hibah*) of a land to Abdurrahman, a child of 6 years old. However, it has been contended that the gift is void as Abdurrahman is underage. (5 Marks)

(b) Salami made a gift of a house to his wife. One day, after a misunderstanding and a heated argument, Salami decided to revoke the gift. (5 Marks)

(c) Abdul made a gift of a car to Sadis by using the phrase 'I give this car for your lifetime'. Sadis used the car for two months before Abdul passed away. Abdul's children argued that the gift was void as the expression 'I give this car for your lifetime' does not reflect a valid gift contract. (5 Marks)

بالتوفيق والنجاح