



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 : LS 4303
Course Name : Fiqh of Judiciary and Procedures
Course Level : Bachelor of Laws (LL.B) & Bachelor of Shariah Law (BSL)
Time : 3 hours

Notes:

Answer all questions.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

QUESTION 1: (6 marks)

How *qada'* is different from *tahkim* (arbitration) in Islam?

QUESTION 2: (6 marks)

How the majority of scholars justify the invalidity of appointing a person who is *fasiq* as judge?

QUESTION 3: (6 marks)

Can a non-Muslim be appointed as judge under Islamic legal system? Justify your answer.

QUESTION 4: (6 marks)

Can the admission or confession by a blind person be admissible in shariah court? Justify your answer.

QUESTION 5: (6 marks)

What are the views of Muslim scholars on admissibility of a confession made outside the court?

QUESTION 6: (6 marks)

Compare the view of Shafi'i school of legal thought on secondary testimony (*syahadah ala al syahadah*) with the practice in Syariah Courts Evidence Order 2001.

QUESTION 7: (6 marks)

Compare the view of Shafi'i school of legal thought on testimony (*syahadah*) against spouses and children with the practice in Syariah Courts Evidence Order 2001.

QUESTION 8: (6 marks)

Briefly, discuss, the admissibility and inadmissibility of women testimony (*syahadah*) in Islamic law.

QUESTION 9: (6 marks)

Is the testimony (*syhadah*) by one witness with the oath from the plaintiff a sufficient ground for making a judgement in civil matters according to Hanafi scholars? Justify your answer.

QUESTION 10: (6 marks)

When taking oath can be considered as sufficient evidence to make a judgment?

QUESTION 11: (6 marks)

Compare *qarinah* with *syhadah* in terms of their effect in making a judgment.

بالتوفيق