



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

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

Final Examination Question Paper

Course Code : LB1305
Course Name : Legal System of Brunei and ASEAN
Course Level : Bachelor's Degree
Time : 3 hours

Notes:

1. Answer **three** (3) of the following questions.
2. All answers, wherever relevant, must be supported by statutory provision and case law.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

QUESTION 1 (20 Marks)

- (a) Discuss law and morality according to the Western and Islamic perspectives. (7 Marks)
- (b) Discuss six (6) differences between law and morality. (6 Marks)
- (c) Shariah and civil law reflect its maker. Explain. (7 Marks)

QUESTION 2 (20 Marks)

- (a) Under the Federal Constitution, legislative powers are distributed between the Federal and State legislatures. Analyse these powers, by supporting your answer with relevant provisions in the Federal Constitution and case law (15 marks)
- (b) Explain five (5) differences between civil law and common law. (5 Marks)

QUESTION 3 (20 Marks)

Analyse the following cases with reference to the purpose of the amendment of Article 121 of the Malaysian Federal Constitution and to what extent this amendment has served the purpose:

- (i) *Nafsiah v Abdul Majid* [1969] 2 MLJ 175 (5 Marks)
- (ii) *Dalip Kaur v Pegawai Polis Daerah, Balai Polis Daerah, Bukit Mertajam & Anor* [1992] 1 MLJ 1 (5 Marks)
- (ii) *Soon Singh a/l Bikar Singh v Pertubuhan Kebajikan Islam Malaysia (PerKIM) Kedah & Anor* [1992] 2 AMR 1211 (FC) (5 Marks)

(iii) *Lina Joy v Majlis Agama Islam Wilayah Persekutuan dan lain-lain* [2007] 4 MLJ 585

(5 Marks)

QUESTION 4 (20 Marks)

(a) Discuss briefly one evidence that Islamic law was implemented in Brunei before the Residential system in 1906.

(3 Marks)

(b) Explain briefly the position of Common law as one of the sources of Brunei legal system.

(5 marks)

(c) Illustrate what is meant by *ratio decidendi* and *obiter dicta*.

(4 Marks)

(d) Analyse two (2) similarities and two (2) differences between the following legal systems:

- (i) Brunei and Malaysia
- (ii) Brunei and Singapore.

(8 marks)

بالتوفيق والنجاح