



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

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

Final Examination Question Paper

Course Code : LS3302

Course Name : Fiqh of Marriage

**Course Level : Bachelor of Laws (LL.B) & Bachelor of
Shariah Law (BSL)**

Time : 3 hours

Note:

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

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

QUESTION 1 (15 Marks)

a. Describe three customary practices in a Bruneian Muslim wedding ceremony which contradict with *shariah*. Support each of your answers with proof from al-Qur'an or as-Sunnah.

(6 marks)

b. '*Nikah al-Khitbah*' is also known as '*Nikah Gantung*':

(i) Explain the meaning of *nikah al-Khitbah* and its characteristics.

(5 marks)

(ii) Clarify the arguments of Islamic scholars regarding the validity of *nikah al-Khitbah* with a proof from *al-Sunnah*.

(4 marks)

QUESTION 2 (15 Marks)

a. Abu Hurairah *Radhiallahu 'Anhu* reported that the Messenger of Allah (Peace Be Upon Him) said:

"As for a dinar you have spent in the way of Allah, and a dinar you have spent in emancipating a slave and a dinar you have given to a poor man in charity, a dinar you have spent for your family, the greatest of them is that which you have spent for you family" .

(Narrated by Imam Muslim)

Regarding the above hadith which showed the obligation of maintenance, elaborate the following topic:

(i) The meaning of *nafkah* (maintenance)

- (ii) The proof from al-Qura'an regarding *nafkah*. (1 mark)
- (iii) The types of *nafkah*. (2 marks)
- (iv) The husband gives *nafkah* to his parents but reluctant to give any *nafkah* to his wife. (5 marks)
- (v) Maintenance of children and relatives. (5 marks)

QUESTION 3 (15 Marks)

- a. Describe the protection of wife financial rights during the marriage and after the divorce other than the maintenance (*nafkah*). (8 marks)
- b. Allah says:

ولا تقربوا الزنى إنه كان فاحشة وساء سبيلا

"and don't come near to adultery, surely it has been an obscenity and odious as a way".

(Surah al-Isra': 32)

In this verse, Allah does not say "Do not commit adultery" but tells us not to even get close to it. This means that everything that may seduce a person to fall into adultery is unlawful.

- (i) What is the meaning of *syubhah* in marriage?

(1 mark)

(ii) What are the effect on the children born through *zina* and *syubhah* in marriage in terms of their:

Nasab (lineage)

(2 marks)

Wali

(2 marks)

Inheritance

(2 marks)

QUESTION 4 (15 Marks)

a. State differences between:

(i) *Talak bain sughra* and *talak bai'in kubra*.

(4 marks)

(ii) *Zihar* and *ila'*.

(4 marks)

(iii) *Li'an'* and *Khuluk*.

(4 marks)

b. Explain three of our responsibilities towards our foster children.

(3 marks)

QUESTION 5 (15 Marks)

Allah said:

“Prohibited to you (for marriage) are your mothers, your daughters, your sisters, your father’s sisters, your mother’s sisters, your brother’s daughters, your (milk)mothers who nursed you, your sisters through nursing...”

(Surah an-Nisa:23)

al-Radha‘ah is the name of the act done to get a woman’s milk or milk enters the stomach or traces the brain of a child. The above verse clearly stated that it is unlawful for a man to marry his milk mother and sisters. All law schools accept the authenticity of the tradition stipulating forbidden marriage due to lactation are as the same as due to consanguineal relations.

a. Explain the conditions of *radha‘ah* that can impose relationship and makes marriage forbidden?

(3 marks)

b. Describe different opinions among Muslim scholars regarding the issues raised in relations to *radha‘ah*:

(i) Breastfeeding by injection (3 marks)

(ii) Breast milk is made into cheese, diluted, thicken or frozen (3 marks)

(iii) Breast milk is mixed with water, medicine, oil or vice versa. (3 marks)

(iv) Breast milk mixed with food (3 marks)

بالتوفيق والنجاح