

POLITEKNIK
Jabatan Pengajian Politeknik

EXAMINATION AND EVALUATION DIVISION
DEPARTMENT OF POLYTECHNIC EDUCATION
(MINISTRY OF HIGHER EDUCATION)

COMMERCE DEPARTMENT

FINAL EXAMINATION
JUNE 2012 SESSION

PS201 : FIQH MUAMALAT 1

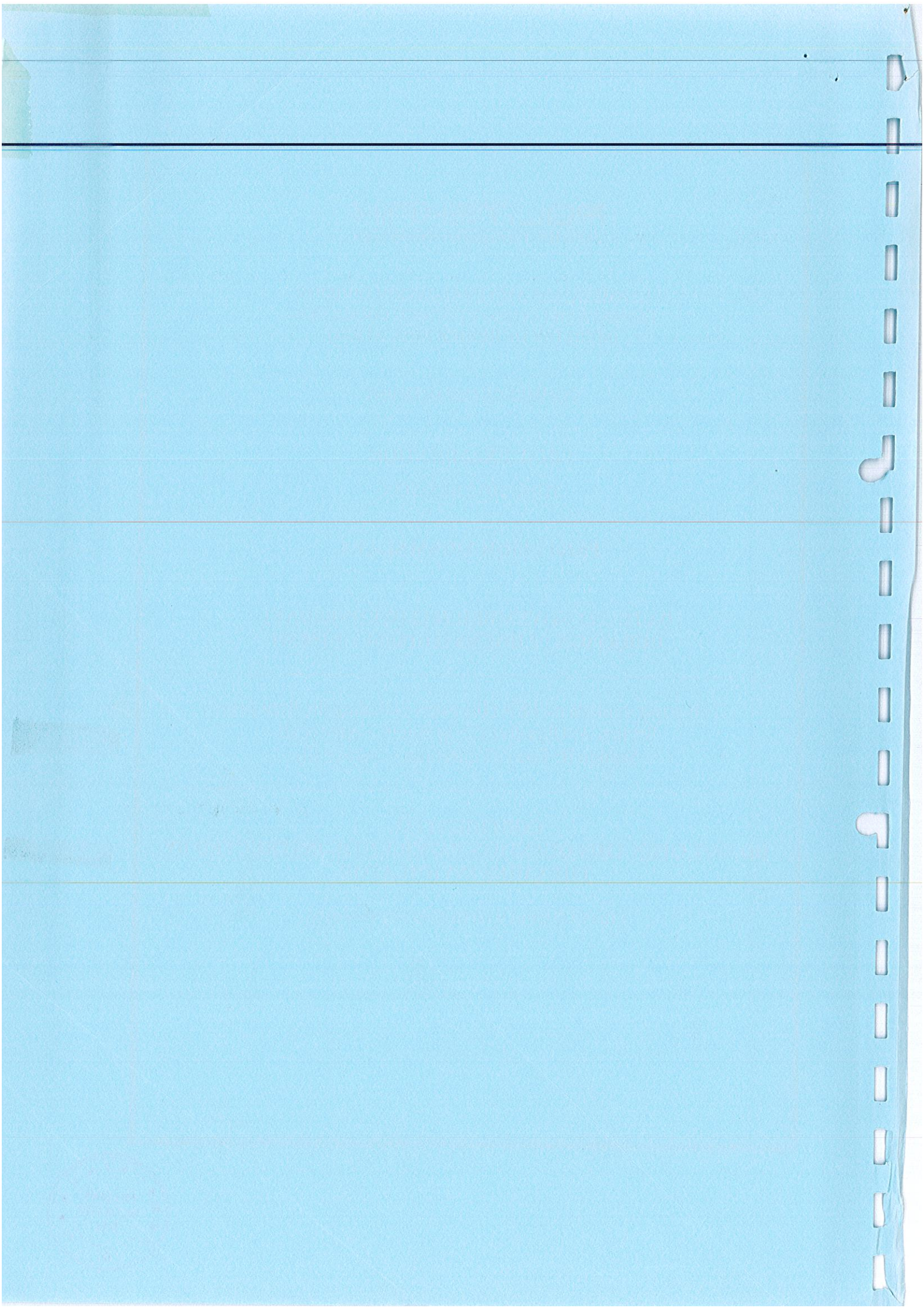
DATE : 21 NOVEMBER 2012 (WEDNESDAY)
DURATION : 2 HOURS (11.15AM – 1.15PM)

This paper consists of **TEN (10)** pages including the front page.
Section A: Objective (25 questions – answer all)
Section B: Essay (3 questions – answer all)

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THE CHIEF INVIGILATOR

(The CLO stated is for lectures reference only)





SECTION A

OBJECTIVES (25 marks)

Instructions: This section consists of 25 objective questions. Answer **ALL** questions in the answers booklet.

1. Centerpiece and backbone of the religion of Islam refers to..... [CLO 1 : C2]
 - A. Shariah
 - B. *Fiqh*
 - C. *Muamalat*
 - D. Islamic Law

2. The objectives of Shariah are; [CLO 1 : C2]
 - i. To preserve the *Deen*
 - ii. To safeguard the mind
 - iii. To preserve the Wealth
 - iv. To preserve Descendent and Honour
 - A. i and ii
 - B. i, ii and iii
 - C. iv only
 - D. all of the above

3. The was applied by the Prophet Muhammad as a legal term to represent what he said, did and agreed to. [CLO 1 : C2]
 - A. *Ijma'*
 - B. *Qiyas*
 - C. *As-Sunnah*
 - D. *Ijtihad*

4. For the performance of *Haram*, there is punishment in this world or in the hereafter and for the avoidance of, there is reward. [CLO 1 : C2]
- A. *Mubaah*
 - B. *Haram*
 - C. *Mandoob*
 - D. *Wajib*
5. Below are the sources of *Syariah* **EXCEPT** [CLO 1 : C2]
- A. *'Uruf*
 - B. *Istihsan*
 - C. *Istishab*
 - D. *Mujtahid*
6. is any act that is left to the personal decision and to individual liberty. Muslim can make the decision whether or not to perform the act. [CLO 1 : C2]
- A. Permissible
 - B. Prohibition
 - C. Recommended
 - D. Obligation
7. Below are the basic methods of *Qawaid Fiqhiyyah* **EXCEPT** [CLO 1 : C2]
- A. Injury is not to be treated
 - B. Matters are determined by intention
 - C. Hardship begets facility
 - D. Certainty is not dispelled by doubts
8. Which of the following are the essential elements of contract; [CLO 1 : C2]
- A. *Aqid, Sighah*, price and subject matter
 - B. Asset, merchandise, *Ijab* and *Qabul*
 - C. Seller, buyer, merchandise and acceptance
 - D. Bank, customer, offer and acceptance

9. An is an agreement that is made by one of the parties to the contract while an is the statement that is made by the second party in response to the offer. [CLO 1 : C2]
- A. *Aqid*, acceptance
 - B. Acceptance, offer
 - C. Offer, acceptance
 - D. Obligation, offer
10. Any defects of the goods (happen before “Aqad” or during sales) sold not according to the specification, the buyer can end the contract or ask for price reduction. This statement refers to CLO 1 : C2
- A. *Khiyar Ta'ayin*
 - B. *Khiyar Naqdi*
 - C. *Khiyar Rukyah*
 - D. *Khiyar 'Aib*
11. Any physical or intangible entity that is owned by a person or jointly by a group of people or a legal entity. This definition refers to [CLO 2 : C2]
- A. ownership
 - B. property
 - C. subject matter
 - D. mortgage
12. is the utility, benefit, or advantage which a property produces and this term is often used by jurist (ulama') to describe the usufruct associated with a given property. [CLO 2 : C2]
- A. *Haq*
 - B. *Mal*
 - C. *Manfa'ah*
 - D. Ownership

13. There are two types of ownership. From the reasons below, which is categorized as incomplete ownership? [CLO 2 : C2]
- A. Ownership of not own property
 - B. contract property transfer
 - C. Heritage
 - D. Benefits of ownership of object
14. Below is the natural cause of impediments contract **EXCEPT** [CLO 3 : C1]
- A. *Sighar*
 - B. *Lazim*
 - C. *Junun*
 - D. Forgetfulness
15. A contract has a natural cause of impediments which is [CLO 3 : C2]
- A. *Mithliy*
 - B. *Istihlakiy*
 - C. *Marad al maut*
 - D. *Al-aqd infiradi*
16. *Zakat* can be divided into two types which are [CLO 3 : C1]
- A. *Zakat fakir* and *Zakat Salam*
 - B. *Zakat Fitr* and *Zakat Al-mal*
 - C. *Zakat Fitr* and *Zakat Salam*
 - D. *Zakat Riqab* and *Zakat Gharimin*
17. Below are the beneficiaries of *Zakat* **EXCEPT** [CLO 3 : C1]
- A. *Ibnu Sabil*
 - B. *Fisabilillah*
 - C. *Muallaf*
 - D. Lecturer

18. Which one of the following is categorized under *zakat* property? [CLO 3 : C1]
- A. Savings
 - B. Table
 - C. Food
 - D. Computer
19. *Riba* can be divided into two types which are *riba' dūyun* and [CLO 3 : C1]
- A. *riba' ikrah*
 - B. *riba' naqdi*
 - C. *riba buyu'*
 - D. *riba aib*
20. *Riba' dūyun* can be divided into two types which are *riba' al-Qard* and... [CLO 3 : C1]
- A. *Riba' jahiliyah*
 - B. *Riba' Fadhl*
 - C. *Riba' Nasiah*
 - D. *Riba' Riqab*
21. How many stage (s) of the prohibition of *riba'* in Islam? [CLO 3 : C1]
- A. One
 - B. Two
 - C. Three
 - D. Four
22. *Riba* can be defined as the following **EXCEPT** [CLO 3 : C1]
- A. Interest
 - B. Not in same value
 - C. Equal
 - D. Extra

23. *Gharar* can be defined as [CLO 3 : C1]
- A. Gambling
 - B. Uncertainty
 - C. Intoxication
 - D. Duress
24. There are two forms of *gharar* which are [CLO 3 : C1]
- A. *Gharar ikrah* and *gharar salam*
 - B. *Gharar fitr* and *gharar amil*
 - C. *Gharar duyun* and *gharar nasiah*
 - D. *Gharar yasir* and *gharar fahish*
25. What is the meaning of *Gharimin*? [CLO 3 : C1]
- A. Those that are in debt
 - B. The poor
 - C. A traveler
 - D. To free slaves

SECTION B**STRUCTURED (75 marks)**

Instruction: This section consists of **THREE (3)** structured questions. Answer **ALL** questions.

QUESTION 1

- (a) There are two classifications of *hukm* (laws) of *Usul Fiqh* which are *Taklifi* (mandatory) laws and *Wadh'i* (Declaratory) laws.

Describe the following mandatory laws based on their objectives:

- i. *wajib* (obligatory)
- ii. *sunnah* (commendable)
- iii. *mubah* (permissible)
- iv. *makruh* (improper/reprehensible)
- iv. *haram* (forbidden/prohibited)

[CLO 1 : C2]

(10 marks)

- (b) Differentiate between *Usul Fiqh* and *Qawa'id Fiqhiyyah*.

[CLO 1 : C2]

(7 marks)

- (c) State the primary and secondary sources of *Shariah*

[CLO 1 : C2]

(8 marks)

QUESTION 2

Contract is a connection of the words of one party (ijab) to the words of the other party (qabul) which constitutes legal implication on the subject matter.

(a) List **SIX (6)** essential elements of contract [CLO 3 : C1]
(6 marks)

(b) State Shariah Requirement in *Sighah* (offer and acceptance) [CLO 3 : C1]
(4 marks)

(c) Under Islamic law, during the period of contract, the contractors or the parties to the contract have several rights of options or *khiyar*. An 'option' in its absolute term is the right given to both parties or to either one of the parties to accept or rescind the contract. The above definition refers to the general meaning of 'Option'.

Describe the following 'Option':

[CLO 3 : C2]
(15 marks)

- i) *Khiyar Majlis*
- ii) *Khiyar Syarat*
- iii) *Khiyar Aib*
- iv) *Khiyar Rukyah*
- v) *Khiyar Ta'ayin*

QUESTION 3

- (a) Describe the natural causes of impediments which affect the validity of contract.

[CLO 3 : C2]

- | | |
|--------------------|-----------|
| i. Minority | (3 marks) |
| ii. Insanity | (3 marks) |
| iii. Forgetfulness | (3 marks) |
| iv. Death-illness | (3 marks) |
| v. Intoxication | (3 marks) |
| vi. Duress | (3 marks) |

- (b) Distinguish between deferred contract (Salam) and contract on manufacturing (Istisna')

[CLO 3 : C2]

(7 marks)

