



FINAL EXAMINATION
NOVEMBER 2022

COURSE TITLE INTRODUCTION TO LAW
COURSE CODE FLAW0114
DATE/DAY 13 FEBRUARY 2023 / MONDAY
TIME/DURATION 02:30 PM - 05:30 PM / 03 Hour(s) 00 Minute(s)

INSTRUCTIONS TO CANDIDATES:

1. Please read the instruction under each section carefully.
2. Candidates are reminded not to bring into examination hall/room any form of written materials or electronic gadget except for stationery that is permitted by the Invigilator.
3. Students who are caught breaching the Examination Rules and Regulation will be charged with an academic dishonesty and if found guilty of the offence, the maximum penalty is expulsion from the University.

(This Question Paper consists of 14 Printed Pages including front page)

*****DO NOT OPEN THE QUESTION PAPER UNTIL YOU ARE TOLD TO DO SO*****

This question paper consists of THREE (3) sections. (100 MARKS)

SECTION A (40 Marks)

There are FORTY (40) questions in this part. Answer ALL questions in the answer booklet.

1. What is the right definition of "Law" according to Black Law dictionary?
 - A. The discipline and profession concerned with the customs, practices, and rules of conduct of a community that are recognized as binding by the community.
 - B. A body of rules of action or conduct prescribed by controlling authority, and having binding legal force. That which must be obeyed and followed by citizens subject to sanctions or legal consequence is a law.
 - C. A system of rules that a society or government develops in order to deal with crime, business agreements, and social relationships.
 - D. A particular branch of the law, such as criminal law or company law.

2. An accused of a criminal offence is called a _____.
 - A. lawyer
 - B. coroner
 - C. prosecutor
 - D. defendant

3. Which of the following is **NOT** a function of law?
 - A. Protects us from complete social disorder and anarchy
 - B. Ensure that everybody is equal before the law
 - C. Violation of law is acceptable
 - D. Preservation of a moral order

4. The law can be classified into three main divisions. Which of the list below are the right classifications of law?
- A. Public law, private law and international law
 - B. Public law, international law and criminal law
 - C. Criminal law, constitutional law and international law
 - D. International law, criminal law and common law
5. Private law concerned with matters that affect the rights and duties of individuals amongst themselves. Below are the branches of law which govern private obligations **except**
- A. law of trust
 - B. law of tort
 - C. criminal law
 - D. contract law
6. Which of the following is the highest court in Malaysia?
- A. High court
 - B. Federal court
 - C. Special court
 - D. Superior court
7. English law is categorized as _____.
- A. public law
 - B. private law
 - C. written law
 - D. unwritten law
8. This type of crime is considered as a serious crime that results in over a year in jail. Examples of this crime are murder, rape and kidnapping. What is the right term for this type of crime?
- A. Felony
 - B. Misdemeanour
 - C. Subpoena
 - D. Alibi

9. The main differences between moral and natural law concerns the involvement of _____.
- A. God in both forms of law
 - B. society in moral law
 - C. the court in natural law
 - D. conscience of moral law
10. Written law in Malaysian legal systems comprises of the following **except**
- A. subsidiary legislation made by persons or bodies under powers conferred on them
 - B. legislation enacted by Parliament and the State Assemblies
 - C. the Federal and State
 - D. judicial precedents
11. What is the meaning of '*res judicata*'?
- A. Final order of the court binding the immediate parties to the decision
 - B. No binding powers
 - C. The reason for the decision
 - D. Sets of beliefs
12. Which of the following are the disadvantages of precedents?
- A. Promote consistency, coherence and certainty
 - B. Ensuring equality and fairness
 - C. Slow in responding to community changes
 - D. Promote efficiency and justice
13. Why is interpreting the law sometimes becoming so difficult?
- A. The law is not clearly written
 - B. There are so many different laws out there
 - C. The rule can be difficult to understand
 - D. There are so many ways to interpret something and not everyone agrees

14. It is an appellate court and is divided into two divisions, Criminal and Civil. Which court is this statement referring to?
- A. Supreme court
 - B. Court of Appeal
 - C. Magistrates' court
 - D. High court
15. Law in Malaysia was originated from few countries **except**
- A. England: Common law
 - B. India: Criminal law and Contract law
 - C. Australia: Land Law
 - D. United States: Common law
16. Which of the following are the three main components of the Malaysia Government under Yang Di-Pertuan Agung (YDPA)?
- A. Federal government
 - B. Judiciary
 - C. Legislative
 - D. Executive
17. Why is it necessary to have rules and legislation?
- A. To collect material possession
 - B. To make us happy and
 - C. To keep us safe and maintain order
 - D. To fur behind the culpability
18. Below are the components of Executive Branch in Malaysia **except**
- A. Courts
 - B. Yang Di-Pertuan Agong
 - C. Ministers
 - D. Prime Ministers

19. Which of the following is the lawmaker's function?
- A. Interpreting law
 - B. Executing law
 - C. Legislating law
 - D. Implementing law
20. Yang Di-Pertuan Agong has the power to make appointment for the following positions **except**
- A. Senators
 - B. Prime Minister
 - C. Federal judges
 - D. Members of Parliament
21. What are the purposes of the separation of powers among the various branches of government?
- I To give opportunity to more people in governing the country
 - II To lessen the burden of each branch of government
 - III To prevent concentration of power
 - IV To avoid dictatorship
- A. I and II
 - B. II and III
 - C. I and III
 - D. III and IV
22. Which of the following is **NOT** the power of the judiciary?
- A. To interpret bills
 - B. To advise on the law-making
 - C. To interpret constitution
 - D. To declare law as invalid

23. The following are the objectives of Federal Constitution **except**
- A. to ensure smooth administration
 - B. to ensure political stability
 - C. to avoid abuse and misuse of government authority
 - D. to limit citizens' fundamental rights and freedom
24. He is a person charged with a criminal offence. Who is he?
- A. Persecutor
 - B. Defendant
 - C. Coroner
 - D. Lawyer
25. The Federal Constitution specified the citizens fundamental freedoms. Which type of freedom is not related to the federal constitution?
- A. Freedom of ownership
 - B. Freedom of marrying
 - C. Freedom of religion
 - D. Freedom of movement
26. Which type of political and governance systems are practiced in Malaysia?
- A. Communism
 - B. Federalism
 - C. Parliamentary democracy
 - D. Absolute Monarchy
27. A means by which parties to a dispute get the same settled through the intervention of a third person but without having recourse to a court of law. Which of the following terms is related to the settlement?
- A. Arbitration
 - B. Conciliation
 - C. Alternative Dispute Resolution
 - D. Chambering

28. "The Constitution is not an instrument for the government to restrain the people, it is an instrument for the people to restrain the government - lest it come to dominate our lives and interests." Who quotes this statement?
- A. Patrick Henry
 - B. Partington
 - C. Samuel Adams
 - D. James
29. There are 3 main approaches to interpretation used by the courts **except**
- A. literal or plain meaning approach
 - B. golden rule approach
 - C. mischief approach
 - D. bilateral argument
30. Which of these countries is a member of the European Union?
- A. Norway
 - B. United Kingdom
 - C. Belgium
 - D. China
31. What elements are necessary for an international dispute to fall under the competence of the International Court of Justice (ICJ)?
- A. It must be related to legal disputes
 - B. It must be between states
 - C. Both parties must have consent over ICJ decision
 - D. All of the above
32. What is the basic function of the court?
- A. To form a new law
 - B. To ensure the stability of the economics
 - C. To resolve the dispute between sovereign states
 - D. To produce bills and enactment

33. Which United Nation body approved the Universal Declaration of Human Rights in 1948?
- A. The International Court of Justice
 - B. The General Assembly
 - C. The Security Council
 - D. The Secretariat
34. Where is the Duty of Care coming from?
- A. Tort law
 - B. Donoghue Vs Stevenson 1932
 - C. Criminal Justice Act of 1988
 - D. Common law
35. Which one is the correct Subordinate court?
- A. High court of Sabah and Sarawak
 - B. Court of Appeal
 - C. Penghulu court
 - D. Federal court
36. Failure to give care that is normally expected of a person in a particular position is known as _____.
- A. assault
 - B. abuse
 - C. malpractice
 - D. negligence
37. Which of the following is a rule in respect to acknowledgement of precedent?
- A. Appellate courts can set precedent.
 - B. Every court is bound to follow the decisions of superior courts.
 - C. A court of record does not have to follow the precedent of a higher court of record.
 - D. Courts in a different jurisdiction are not required to follow precedent by the Supreme Court.

38. "It enables judges to assess the constitutionality of executive actions in the light of ordinary laws". Which of the following answers this statement refers to?
- A. Ombudsmen
 - B. Ultra Vires
 - C. Intra Vires
 - D. Eligibility
39. The independence of the British judiciary is supposed to be protected in three ways **except**
- A. the way in which judges are selected
 - B. their security of tenure
 - C. their political neutrality
 - D. their economic dependency
40. Which of the following are considered as Merits of Alternative Dispute Resolution (ADR)?
- I May choose to have a mediator who is an expert in the area related to the dispute.
 - II Save a lot of money, including fees for lawyers and experts, and work time lost.
 - III Save a lot of time by allowing resolution in weeks or months, compared to court, which can take years.
 - IV Private setting or 'behind closed doors' preserved secrecy and confidentiality of information.
- A. I, II and III
 - B. II, III and IV
 - C. I, III and IV
 - D. I, II, III and IV

SECTION B

(30 Marks)

There are **THIRTY (30)** questions in this part. Please answer 'True' or 'False'.

Number	Questions	True or False
1	A criminal offender will be prosecuted by the Public Prosecutor.	
2	The law established by judges is an important element of the common law system.	
3	Due to the conflict between sovereignty and the rule of law, there is a tendency in world politics to stop deferring to courts and oppose their creation.	
4	The highest court in Malaysia is the High court.	
5	The Chief Justice is in charge of the Malaysian judicial system.	
6	Congress is the name of the body that makes laws in Malaysia.	
7	The Rules of Court 2012 came into operation on 1 August 2012. Before this, it was known as the Rules of the High Court 1980 and the Rules of the Subordinate Court 180.	
8	The High court may hear any civil matter involving motor vehicle accidents, disputes between landlord and tenant, and distress actions.	
9	Malaysia recognizes the need for speedy and efficient enforcement of civil case judgments which is relevant in the context of Dynamic Regional Economic Integration.	
10	Session Courts judges and Magistrates must be Appointed by the Yang di-Pertuan Agong on the recommendation of the respective Chief Judges.	

11	Equity means 'fairness' and is the body of rules developed first by the Lord Chancellor and by the old Court of Chancery.	
12	In formulating Malaysia's own common law, the court is restricted not to look at any source of law either from local or non-local.	
13	Mischief approach is only applied if there is some ambiguity in the words used in the statute so that out of the two apparently contradictory meanings, that interpretation is preferred which does not lead to absurdity.	
14	The advantages of precedents are to promote consistency, coherence and certainty.	
15	In Sabah and Sarawak, native customary laws apply in land dealings over native customary lands and family matters.	
16	The courts enforcing Islamic law are known as High Courts.	
17	Sultan or Yang Di-Pertua Negeri is the head of state.	
18	The Court of Appeal hears the more serious and complex civil and family cases at first instance. It contains three divisions: Queen's Bench, Family and Chancery.	
19	Tribunals operate their own procedures that are less complicated and more informal than those usually associated with courts.	
20	The Rule of Law is a fundamental doctrine encompassing the United Kingdom constitution.	
21	Uncodified constitution is when the laws, rules and principles specifying how a state is to be governed are set out in a single legally entrenched constitutional document.	

22	The law of negligence concerns the failure of a person to take reasonable care for another.	
23	The party bringing a proceeding to court is called the Defendant.	
24	The sharing of power between the federal government and the states is known as the Feudal system.	
25	The Attorney General is a person who is qualified to be a judge of the Federal Court.	
26	In a primitive society, there was no difference between law and moral rules as they share the same sources such as customs and religion.	
27	Stealing a loaf of bread to feed a starving child is considered legal and ethical.	
28	Legal principles are just legal norms, but different from legal rules, principles are norms of general application that do not take into account specific legal facts.	
29	Fundamental human rights can be considered also as legal principle <i>inter alia</i> .	
30	Legal aid provided by Bar Council run by the State will function to assist people who cannot afford the cost of legal advice and action. The Registration fee is just RM 2.00.	

SECTION C

(30 Marks)

This question paper consists of **THREE (3)** questions. Answer all questions.

Question 1

(10 Marks)

Explain the meaning of international law. Justify **TWO (2)** topics covered in an international law and elaborate differences between International Public law versus International Private law.

Question 2

(10 Marks)

Separation of power refers to the segregation of power between the government branches. It is believed that the application of this doctrine may curb the hold of an absolute power by one individual.

Discuss the separation of power among government branches in Malaysia by explaining each component in detail.

Question 3

(10 Marks)

Court is the place where legal trials take place and where crimes are judged.

Elaborate about the Court of Appeal and Federal Court of Malaysia **ONLY**.

***** END OF QUESTION PAPER *****