



FINAL EXAMINATION
JULY 2022

COURSE TITLE	INTRODUCTION TO LAW
COURSE CODE	FLAW0114
DATE/DAY	19 OCTOBER 2022 / WEDNESDAY
TIME/DURATION	09:00 AM - 12:00 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 **19** Printed Pages including front page)

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This question paper contains **THREE (3)** sections. Please answer **ALL** questions.

[100 MARKS]

SECTION A

(40 Marks)

There are **FORTY (40)** questions in this part. Answer **ALL** questions.

1. Find the most accurate description of the 'Rule of Law'.
 - A. The law must be made up of strict rules with punishment for breaching of those rules
 - B. An idealistic concept of how the legal system should function to further civilize society
 - C. Guidance on how rules should be applied
 - D. A rule made by Parliament

2. Which of the following is the most accurate description of civil law?
 - A. Civil law is a form of private law involves the relationships between individuals
 - B. Civil law relates to the enforcement of particular forms of behaviour
 - C. Civil law is an aspect of public law
 - D. Civil law relates to controlling conduct or wrong-doing of which it disapproves

3. Which of the following is **NOT** a branch of the government?
 - A. Executive
 - B. Judiciary
 - C. Enactment
 - D. Legislative

4. _____ is the branch of government that makes the most part of the laws in a country.
- A. Legislative
 - B. Executive
 - C. Judiciary
 - D. Agency
5. Which of the following is the apex court in Malaysia?
- A. Court of Appeal
 - B. High Court
 - C. Shariah Court
 - D. Federal Court
6. Which of the following is **NOT** the typical type of Alternative Dispute Resolution (ADR)?
- A. Arbitration
 - B. Litigation
 - C. Conciliation
 - D. Mediation
7. Faizah wants to bring Faizul to justice for causing her grievous hurt. The police had classified the case under section 326 of the Penal Code for voluntarily causing grievous hurt by dangerous weapons or means. This offence is punishable with imprisonment for a term which may extend to 20 years, and shall also be liable to a fine or to whipping.
- Determine the court that has jurisdiction to hear and determine the above criminal case.
- A. High Court
 - B. Sessions Court
 - C. Magistrate Court
 - D. Federal Court

8. Which of the following is the one who brings a claim in a civil case?
- A. Prosecutor
 - B. Accused
 - C. Defendant
 - D. Plaintiff
9. According to Article 121 of the Federal Constitution, there shall be 2 High Courts in Malaysia. Which of the following are meant by Article 121?
- A. High Court in Malaya & High Court in Borneo
 - B. High Court in Malaya & High Court Sabah and Sarawak
 - C. High Court in Malaysia & High Court in Federal Territory
 - D. High Court in Kuala Lumpur and High Court Sabah and Sarawak

10.

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| <ul style="list-style-type: none">- X has jurisdiction to hear appeal case from subordinate courts- X has jurisdiction to hear criminal cases which the punishment is death penalty |
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Table 1

Table 1 shows the criteria of X. X is one of the courts in Malaysia.

Which of the following is X?

- A. High Court
 - B. Federal Court
 - C. Sessions Court
 - D. Magistrate Court
11. Laws can come from all of the following sources **EXCEPT**
- A. Investigating Officer
 - B. Constitution
 - C. Enactments
 - D. Acts of Parliament

12. Which of the following **DOES NOT** fall under unwritten law?
- A. English law
 - B. Customs
 - C. Legislation
 - D. Judicial precedent
13. Which of the following is **NOT** a branch of private law?
- A. Contract law
 - B. Law of Torts
 - C. Criminal Law
 - D. Trust
14. Which of the following is **NOT** the superior court in Malaysia?
- A. High Court
 - B. Sessions Court
 - C. Court of Appeal
 - D. Federal Court
15. Mr. Farhan is a Malaysian. He would like to know his fundamental rights as a citizen. To which of the following can he find those rights?
- A. Federal Constitution
 - B. International Conventions
 - C. Executive Constitution
 - D. State Constitution

16. The application of English law throughout Malaysia is subject to certain limitations namely:
- i. only the English law passed by Parliament of England can be applied in Malaysia
 - ii. only the English law that is suited to local circumstances will be applied
 - iii. the English law is applied only in the absence of local statutes on the particular subjects
- A. I and II
 - B. II and III
 - C. I and III
 - D. I only

17. What is the meaning of the Latin word '*lex*'?
- A. legal
 - B. law
 - C. lawyer
 - D. judge

18. Which of the following is the supreme law in Malaysia?
- A. State Constitution
 - B. Federal Constitution
 - C. Legislation
 - D. Subsidiary Legislation

19. The Federal List laid down the matters under the power and responsibility of the Federal government. Which of the following is **NOT** the matter under the list?
- A. Appointment of Sultan
 - B. External affairs
 - C. National defense
 - D. Citizenship

20. What is the meaning of '*ratio decidendi*'?
- A. Final order of the court binding the immediate parties to the decision
 - B. The reason for the decision
 - C. No binding power
 - D. Judicial reference
21. Which of the following is the function of Shariah court in Malaysia?
- A. enforcing common law
 - B. enforcing Islamic law
 - C. enforcing administrative law
 - D. enforcing English law
22. Which of the following descriptions are correct about the Yang di-Pertuan Agong?
- A. He is the head of government
 - B. He is the head of ministries
 - C. He is the head of country
 - D. He is the head of palace
- 23.
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| <ul style="list-style-type: none">- Y involves in administering the nation and ensuring that government policy will be carried out according to the law.- Y must do the duties according to the law |
|--|

Table 2

Which of the following indicates Y?

- A. Judiciary
- B. Government
- C. Executive
- D. Legislative

24. Which of the following functions to interpret laws in the country?
- A. Judiciary
 - B. Government
 - C. Executive
 - D. Legislative
25. Find the best description on substantive law and procedural law.
- A. Substantive law concerns the legal operations by which these rights and powers are discovered and practiced while Procedural law concerns with the determination of rights and legal powers.
 - B. Substantive law concerns with the determination of rights and legal powers while Procedural law concerns with the legal operations by which these rights and powers are discovered and practiced.
 - C. Substantive law concerns with the rule by which a court hears and determines what happens in civil lawsuit or criminal proceedings while Procedural law concerns with the legal relationship of people with other people or between them and the state.
 - D. Substantive law concerns with the rules while Procedural law concerns with the principles.
26. Which of the following is the one who is sued in a civil case?
- A. Plaintiff
 - B. Defendant
 - C. Judge
 - D. Bailiff
27. Which of the following is the head of judiciary in Malaysia?
- A. Chief Justice
 - B. Prime Minister
 - C. Judge
 - D. Prosecutor

28. Based on the list below, which court has **NO** appellate jurisdiction?
- A. Court of Appeal
 - B. Magistrate Court
 - C. High Court
 - D. Federal Court
29. Which of the following is the disadvantage of Alternative Dispute Resolutions (ADR)?
- A. save a lot of money
 - B. opportunity to consult directly with the judge
 - C. save a lot of time
 - D. preserve the relationship between the parties
30. Who has power to appoint the Attorney General?
- A. The Prime Minister
 - B. The Chief Judge
 - C. The Yang di-Pertuan Agong
 - D. The Secretary General
31. What is 'law'?
- A. Rules and regulations made and enforced by government that regulate the behavior of people in a society
 - B. A series of suggestions people should follow
 - C. Rules that tell you only what not to do
 - D. Regulations made only by the leader of a country which tell the citizens to obey him/her and only him/her

32. Which of the following describe 'equity'?
- A. Rules
 - B. Fairness
 - C. Harsh
 - D. Penalise
33. Find the best description of social rules.
- A. Any kind of behaviour which is accepted as proper by the law.
 - B. Any kind of behaviour which is accepted as proper by the society
 - C. Any kind of behaviour which is accepted as proper by the government
 - D. Any kind of behaviour which is accepted as proper by the God
34. What is the meaning of Common law?
- A. Decisions of judges in particular cases applied by other judges in later cases through the process of precedent.
 - B. Decisions of juries in particular cases applied by other judges in later cases through the process of precedent.
 - C. Decisions of lawyers in particular cases applied by other judges in later cases through the process of precedent.
 - D. Decisions of prosecutors in particular cases applied by other judges in later cases through the process of precedent.
35. "Zaimah arrived at her grandfather's home. She knocked on the door and waited for a response before entering the home."
- Based on the above situation, Zaimah is following
- A. social rules
 - B. government rules
 - C. legal rules
 - D. logic rules

36. Which of the following are the 2 Houses of Parliament in the United Kingdom?
- A. House of Lords and Senate
 - B. House of Representative and House of Lord
 - C. House of Common and House of Lord
 - D. House of Senate and House of Common
37. When did the United Kingdom join the European Union?
- A. 1972
 - B. 1973
 - C. 1988
 - D. 1989
38. Identify the role of international laws.
- A. governs disputes between states in the world
 - B. governs disputes between leaders in a state
 - C. governs disputes between judges
 - D. governs disputes between parliaments in the world
39. Who will be granted remedies in a civil law action?
- A. an aggrieved party
 - B. the government
 - C. the court
 - D. the state
40. What is the meaning of "*actori incumbit onus probandi*" ?
- A. The burden of proof lies on the plaintiff
 - B. The burden of proof lies on the defendant
 - C. The burden of proof lies on the judge
 - D. The burden of proof lies on the public

SECTION B

(40 Marks)

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

41. Sultan or Yang Di-Pertua Negeri is the head of state.

- A. True
- B. False

42. Malaysia consists of 9 Malay states and each of them has their own constitution.

- A. True
- B. False

43. According to Article 4(1) of the Federal Constitution, any law which is inconsistent with this Constitution shall be valid.

- A. True
- B. False

44. The State Legislative Assembly may make laws for the whole Federation.

- A. True
- B. False

45. Article 74 of the Federal Constitution conferred the power for the Federal and State government. Islamic law is under the power of the State government to enact law.

- A. True
- B. False

46. Example of criminal law is robbery.

- A. True
- B. False

47. The elements of contracts are duty of care, breached the duty of care and damages.
- A. True
 - B. False
48. The United Kingdom is a country which has a written constitution.
- A. True
 - B. False
49. Where statute law and common law conflict, statute law will prevail to the extent of the conflict.
- A. True
 - B. False
50. In Malaysia, any laws made by Parliament are known as Act.
- A. True
 - B. False
51. 'Ratio decidendi' means the reason for the decision.
- A. True
 - B. False
52. 'Precedent' means that a question should be resolved in a different way because a similar question has not been so decided before.
- A. True
 - B. False

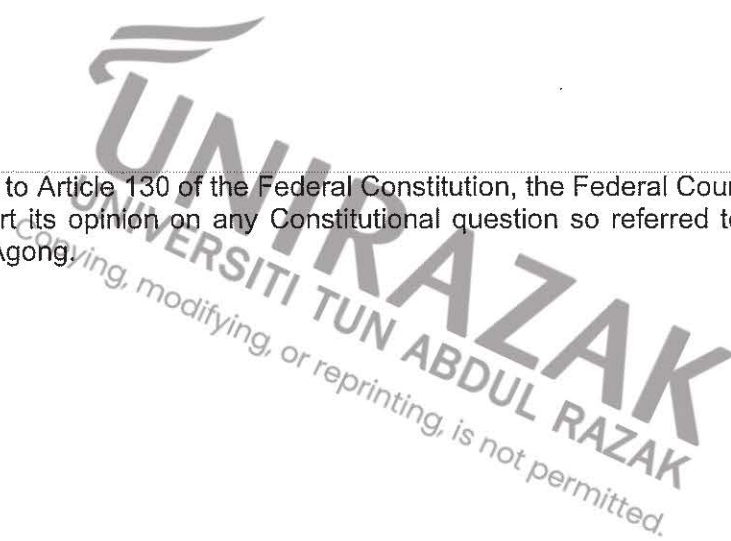


53. If the case before a judge is without precedent, then the decision made by him may be called a declaratory precedent.
- A. True
 - B. False
54. In Sabah and Sarawak, native customary laws apply in land dealings over native customary lands and family matters.
- A. True
 - B. False
55. In Penang, Malacca, Sabah and Sarawak, the Yang di-Pertua Negeri is the head of Muslim religion.
- A. True
 - B. False
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56. According to Civil Law Act 1956, "Court" means any court in Malaysia of competent jurisdiction, and includes any Judge thereof whether sitting in court or in chambers.
- A. True
 - B. False
57. Common law was developed by Parliament through many legislations.
- A. True
 - B. False
58. Equity is the body of rules developed first by the Lord Chancellor and by the old Court of Chancery.
- A. True
 - B. False

59. In Malaysia, the Attorney General plays the role of advising the Queen on legal matters.
- A. True
 - B. False
60. The Attorney General has power to institute criminal proceedings in courts.
- A. True
 - B. False
61. According to section 376(1) of the Criminal Procedure Code, the Attorney General shall be the Public Prosecutor.
- A. True
 - B. False
62. According to section 376(3) of the Criminal Procedure Code, the Attorney General is allowed to appoint Deputy Public Prosecutor.
- A. True
 - B. False
63. There are 2 kinds of legal aid in Malaysia. One is run by the government while the other one is run by individuals.
- A. True
 - B. False
64. The minimum age to be admitted as an advocate and solicitor in Malaysia is 21 years old.
- A. True
 - B. False

65. Only Malaysian citizens can be admitted as an advocate and solicitor in Malaysia.
- A. True
 - B. False
66. Chambering period for those who want to be admitted as an advocate and solicitor in Malaysia is 10 months.
- A. True
 - B. False
67. Pupillage must be completed with a master having at least 7 years standing practice as an advocate and solicitor.
- A. True
 - B. False
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68. According to *Peguam Syarie Rules 1993 (Federal Territories)*, only Muslim can be admitted to be a *Peguam Syarie*.
- A. True
 - B. False
69. The minimum age to be admitted as *Peguam Syarie* is 21 years old.
- A. True
 - B. False
70. In the case of *Victoria Jayaseelee Martin v Majlis Agama Islam Wilayah Persekutuan*, the applicant was denied to be a *Peguam Syarie* by the *Peguam Syarie Committee* on the grounds that the applicant was not attain required minimum age.
- A. True
 - B. False

77. A Sessions Court shall have jurisdiction to try all offences punishable with death only.
- A. True
 - B. False
78. The High Court of Malaya may pass any sentence allowed by law.
- A. True
 - B. False
79. The Magistrate Court may determine the validity of a law made by Parliament of State Legislative Assembly.
- A. True
 - B. False
80. According to Article 130 of the Federal Constitution, the Federal Court shall pronounce in open court its opinion on any Constitutional question so referred to it by the Yang di-Pertuan Agong.
- A. True
 - B. False



SECTION C

(20 Marks)

There are **TWO (2)** essay questions in this part. Answer **ALL** questions.

1. Arbitration is one kind of Alternative Dispute Resolutions (ADR). It is a settlement of dispute through the intervention of a third person but without recourse to a court of law.

Explain **FIVE (5)** advantages of ADR. (10 Marks)

2. Malaysia is headed by the Yang di-Pertuan Agong. However, as Malaysia practices the separation of powers, thus the power of the Yang di-Pertuan Agong is limited to what is recognized by the Federal Constitution.

Discuss on the application of the doctrine separation of powers in the Malaysian. (10 Marks)

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