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UNIVERSITI TUN HUSSEIN ONN MALAYSIA

**FINAL EXAMINATION
SEMESTER I
SESSION 2012/2013**

COURSE NAME : INTRODUCTION TO LAW
COURSE CODE : BPE 12402
PROGRAMME : 1 BPD
EXAMINATION DATE : DECEMBER 2012 / JANUARY 2013
DURATION : 2 HOURS
INSTRUCTION : PART A
ANSWER TWO (2) QUESTIONS
FROM THREE QUESTIONS

PART B
ANSWER TWO (2) QUESTIONS
FROM THREE QUESTIONS

THIS QUESTION PAPER CONSISTS OF THREE (3) PAGES

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PART A

Q1 Article 4(1) of the Federal Constitution declares:

“This Constitution is the supreme law of the Federation and any law passed after Merdeka Day which is inconsistent with this Constitution shall, to the extent of the inconsistency, be void.”

The doctrine, which underlies the Federal Constitution, is the doctrine of constitutional supremacy, as opposed to parliamentary supremacy.

Discuss the concept of constitutional supremacy and how it differs from parliamentary supremacy.

(30 marks)

Q2 Legal resource may be referred to the ability of society to produce required laws for its orderly governance and to create institutions thereof with required manpower to manage.

Elaborate various resources which formed the basis for the legal systems of Malaysia.

(30 marks)

Q3 Subsidiary legislation is law made through powers delegated by the legislature to a person or body via an enabling or parent statute.

(a) Explain the rationale for subsidiary legislation.

(10 marks)

(b) Outline main controls of subsidiary legislation.

(20 marks)

Q4 The law is to be found not only in legislation, but also in cases decided by the courts. Only the decisions of superior courts are sources of law, as it is these courts that decide on matters of law, whereas inferior or subordinate courts generally decide on the matters of fact.

(a) Explain the doctrine of *stare decisis*.

(10 marks)

(b) Discuss on two-way operation of the doctrine.

(20 marks)

PART B

Q5 Briefly explain the followings:

- (a) Judicial decision
- (b) Common law and equity
- (c) Customary law
- (d) Subsidiary legislation

(20 marks)

Q6 Discuss the composition and the jurisdiction of the following:

- (a) Federal Court
- (b) Special Court
- (c) Magistrate Court
- (d) Native Court
- (e) Syariah Court

(20 marks)

Q7 Discuss on separation of power of the government:

- (a) Executive
- (b) Legislative
- (c) Judiciary

(20 marks)

- **END OF QUESTION** -