

SULIT



BAHAGIAN PEPERIKSAAN DAN PENILAIAN  
JABATAN PENDIDIKAN POLITEKNIK  
KEMENTERIAN PENDIDIKAN MALAYSIA

JABATAN PELANCONGAN DAN HOSPITALITI

PEPERIKSAAN AKHIR  
SESI DISEMBER 2014

**HT311: TOURISM AND HOSPITALITY LAW**

**TARIKH : 21 APRIL 2015**  
**MASA : 2.30 PM – 4.30 PM (2 JAM)**

Kertas ini mengandungi **TUJUH BELAS (17) halaman bercetak.**

Bahagian A: Objektif (20 soalan)

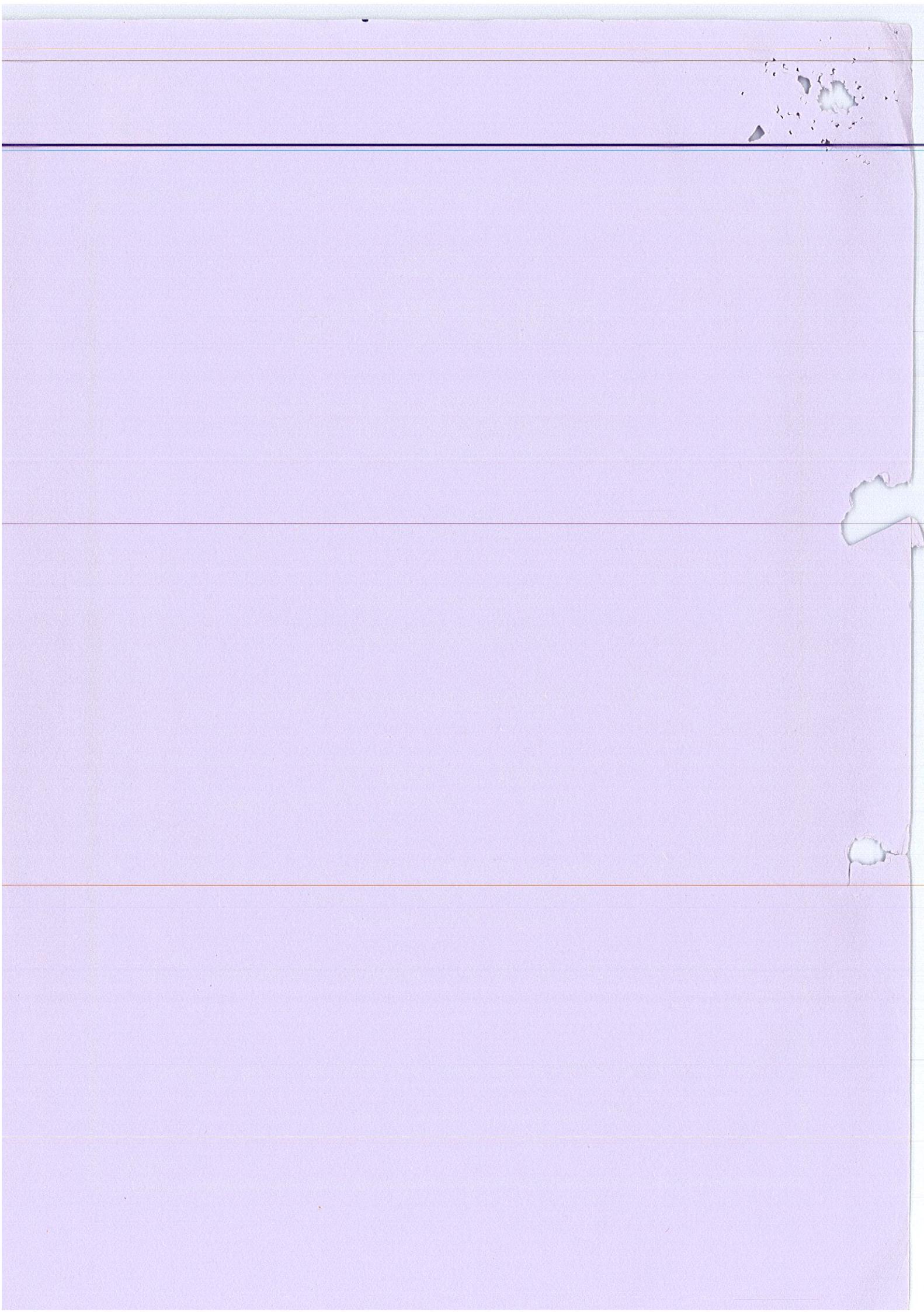
Bahagian B: Esei (6 soalan)

Dokumen sokongan yang disertakan : Kertas Graf, Formula dsb/ Tiada

**JANGAN BUKA KERTAS SOALANINI SEHINGGA DIARAHKAN**

(CLO yang tertera hanya sebagai rujukan)

SULIT



**SECTION A : 20 MARKS****BAHAGIAN A : 20 MARKAH****INSTRUCTION:**

This section consists of **TWENTY (20)** objective questions. Mark your answers in the OMR form provided.

**ARAHAN :**

Bahagian ini mengandungi **DUA PULUH (20)** soalan objektif. Tandakan jawapan anda di dalam borang OMR yang disediakan.

CLO1

1. Unwritten law consists of \_\_\_\_\_

C1

*Undang-undang tidak bertulis merangkumi \_\_\_\_\_*

- A. The English Law, The Islamic Law and The Subsidiary Law  
*Undang-undang Inggeris, Undang-undang Islam dan Undang-undang Subsidiari*
- B. The English Law, The Judicial Decision and The Customs  
*Undang-undang Inggeris, Keputusan Kehakiman dan Undang-undang Adat*
- C. The Islamic Law, The English Law and The Customs  
*Undang-undang Islam, Undang-undang Inggersi dan Undang-undang Adat*
- D. The Islamic Law, The Customs and The Judicial Decisions  
*Undang-undang Islam, Undang-undang Adat dan Keputusan Kehakiman*

CLO1

- 2.

It has unlimited criminal and civil power in exercising its jurisdiction.

*Mempunyai bidang kuasa yang tidak terhad bagi kes jenayah dan sivil*

The above statement refers to which court?

*Penyataan di atas merujuk kepada mahkamah,*

- A. Federal court  
*Mahkamah Persekutuan*
- B. Juvenile court  
*Mahkamah Juvana*
- C. Session court  
*Mahkamah Sesyen*
- D. High court  
*Mahkamah Tinggi*

CLO1 3 Below are classifications of law in Malaysia EXCEPT

C1 *Di bawah adalah klasifikasi undang-undang di Malaysia KECUALI*

- A. Public law  
*Undang-undang am*
- B. Islamic law  
*Undang-undang islam*
- C. Private law  
*Undang-undang persendirian*
- D. International law  
*Undang-undang antarabangsa*

CLO1 4 Which of the following is NOT TRUE about federal constitution?

C2 *Manakah antara berikut TIDAK BENAR tentang perlembagaan persekutuan?*

- A. Introduced by variety of ethnics in Malaysia  
*Memperkenalkan pelbagai kaum di Malaysia*
- B. Law that enacted by Parliament and State Assembly  
*Undang-undang yang digubal oleh Parlimen*
- C. Consists of laws which lay down the powers of the federal and state governments  
*Merangkumi undang-undang yang meletakkan kuasa kepada kerajaan persekutuan dan negeri*
- D. Any rights written can be changed by 2/3 majority of the total number of members in the Parliament  
*Segala undang-undang yang ditulis boleh dibubar sekiranya memperolehi majoriti 2/3 ahli Parlimen*

CLO2 5 Section 2(h) of Contracts Act 1950 define contract as  
*Seksyen 2(h) Akta Kontrak mentafsirkan kontrak sebagai*

- A. Agreement that is made without legal force or effect  
*Perjanjian yang dibuat tanpa pengesahan atau kesan undang undang*
- B. Agreement that is made with clear legal intention  
*Perjanjian yang dibuat dengan niat di sisi undang undang yang jelas*
- C. Agreement that is made with vague intention  
*Perjanjian yang dibuat dengan niat meragukan*
- D. Agreement that is enforceable by law-legally binding the parties  
*Perjanjian yang boleh dikuatkuasakan dan meliputi pihak yang terlibat*

CLO2

C2

6. Offer must be differentiate with invitation to treat. The main criteria of invitation to treat is

*Tawaran mestilah dibezakan dengan pelawaan untuk tawaran. Kriteria yang utama dalam pelawaan untuk tawaran adalah*

- A. It can be in implied and express  
*Ia boleh terjadi secara tidak langsung dan nyata*
- B. It is an exchange of promise between the parties  
*Ia adalah pertukaran janji antara pihak terlibat*
- C. The contract must be communicated to the offeree before accepted  
*Kontrak mestilah dikomunikasikan kepada penerima sebelum diterima*
- D. It is not an offer which can be turn into a contract by acceptance  
*Ia bukanlah tawaran yang boleh ditukar menjadi kontrak melalui penerimaan*

CLO2

C2

7. A proposal may be withdrawn by

*Tawaran boleh digugurkan melalui*

- I. The death or mental disorder of the proposer  
*Kematian dan kecacatan mental pihak penawar*
- II. The time prescribed in the proposal for its acceptance elapses  
*Masa penerimaan yang diperuntukan dalam penawaran telah tamat*
- III. The method of counter offer by the acceptor  
*Melalui kaedah pembalasan tawaran oleh penerima*
- IV. The failure of the acceptor to fulfill the condition precedent to a acceptance  
*Kegagalan penerima mematuhi syarat penerimaan yang telah ditetapkan*

- A. I and II only  
*I dan II sahaja*

- B. I and III only  
*I dan III sahaja*

- C. I, II and IV only  
*I,II dan IV sahaja*

- D. I, II, III and IV  
*I,II,III, dan IV sahaja*

CLO2

8. Section 14 of Contracts Act stated that consent is free because of the following,

C2

**EXCEPT:**

Seksyen 14 Akta Kontrak menyatakan kerelaan bebas berlaku disebabkan leh perkara berikut, **KECUALI** :

- A. Frustration  
*Kekecewaan*
- B. Performance  
*Perlaksanaan*
- C. Misrepresentation  
*Salah faham*
- D. Specific performance  
*Perlaksanaan yang tertentu*

CLO2

9. Overbooking and breach of reservation contract in hospitality industry means '*Overbooking*' dan pelanggaran kontrak tempahan dalam industri hospitaliti bermaksud

C2

- A. Hotel confirm the reservations solely depend on customer  
*Hotel mengesahkan tempahan bergantung pada pelanggan*
- B. Hotel did not receive booking even the rooms are available  
*Hotel tidak menerima tempahan walaupun bilik masih ada*
- C. Hotel cancelled the reservation by any mean without telling customer  
*Hotel membatalkan tempahan pelanggan melalui apa jua sebab*
- D. Hotel confirm more reservations than the number of rooms available  
*Hotel mengesahkan tempahan berlebihan dari bilik yang sedia ada*

CLO2

10. An agent is defined as “a person employed to do any act for another or to represent another in dealings with third person” (Section 135, Contract Act). Which of the following answer is not the type of agent?

C2

*Agen dikenali sebagai “seorang yang bekerja untuk melakukan apa-apa perbuatan yang lain atau untuk mewakili seseorang/organisasi dalam urusan dengan orang ketiga”(seksyen 135, Akta Kontrak). Yang manakah dibawah bukan merupakan jenis agen?*

A. A general agent

*Agen Biasa*

B. A universal agent

*Agen Universal*

C. A secret agent

*Agen rahsia*

D. A special agent

*Agen Istimewa*

CLO2  
C2

11.

An agent who was duly appointed has exceeded his authority

*Ejen yang dilantik dengan sewajarnya telah melebihi bidang kuasanya*

A person who has no authority to act for the principal has acted as if he has the authority

*Seseorang yang tidak mempunyai kuasa untuk bertindak bagi principal telah bertindak seolah-olah dia mempunyai kuasa*

Section 149, when any of the above mentioned situations arise, the principal can either reject the contract or accept the contract so made. When the principal accepts and confirms such a contract, the acceptance is called a \_\_\_\_\_.

*Seksyen 149; apabila mana-mana keadaan yang dinyatakan di atas timbul, principal boleh sama ada menolak kontrak atau menerima kontrak yang dibuat itu. Apabila principal menerima dan mengesahkan kontrak itu, penerimaan yang dipanggil*

A. Ratification

*Ratifikasi*

B. Power of Attorney

*kuasa wakil*

C. Necessity

*Keperluan*

D. Performance

*Persembahan*

CLO 2  
C2

12 In order to be successful in a claim of negligence, the claimant must show the

following EXCEPT

*Untuk memperoleh kemenangan membuat tuntutan kecuaian, pihak yang membuat tuntutan mesti menunjukkan yang berikut KECUALI*

- A. A duty of care  
*Tugas menjaga kebijakan*
- B. Breach of duty  
*Perlenggaran tugas*
- C. Resultant damage.  
*Kesan kerosakan*
- D. An agreement  
*Perjanjian*

CLO 2  
C2

13. Which of the following statement is NOT TRUE about Tort?

*Kenyataan di bawah yang manakah TIDAK BENAR tentang salah laku?*

- A. Torts are the act of omission (failure to do something)  
*Salah laku adalah tindakan menyisihkan (gagal membuat sesuatu)*
- B. Torts are the act of commission (doing something you should not)  
*Salah laku adalah tindakan mengarahkan (membuat sesuatu yang tidak sepatutnya)*
- C. Negligence is a kind of tort which aims to give compensation to a defendant.  
*Kecuaian adalah sejenis salah laku yang bertujuan memberi pampasan kepada defandan.*
- D. They occur outside of a formal relationship like a contract.  
*Ia berlaku di luar perhubungan formal seperti kontrak.*

CLO 2

C2

14. ~~Mark Marquez is 16 years old and wants to work in his free time. At what time can Marquez work according to the Employment Act 1955?~~

*Mark Marquez berumur 16 tahun dan ingin bekerja ketika masa lapangnya. Pada waktu apakah Marquez boleh bekerja mengikut Akta Pekerjaan 1955?*

- A. 8.00 pm – 6.00 am

*8.00 malam – 6.00 pagi*

- B. 6.00 pm – 9.00 pm

*6.00 petang – 9.00 malam*

- C. 10.00 am – 10.00 pm

*10.00 pagi – 10.00 malam*

- D. 7.00 am – 7.00 pm

*7.00 pagi – 7.00 petang*

CLO2

C2

15. Section 3 in Innkeepers Act 1952 refers to

*Seksyen 3 dibawah Akta Penginapan 1952 merujuk kepada*

- A. Limitation of innkeepers' liability

*Batasan tangungan*

- B. Power of sale of goods

*Kuasa untuk menjual*

- C. Refusal to accept property for safe custody

*Penolakan untuk menerima barang tetamu untuk disimpan*

- D. Copy of Section 4 to be exhibited

*Salinan Seksyen 4 untuk dipamerkan*

- CLO2 C4
16. The word “innkeeper” means  
*Perkataan “penjaga” bermaksud*
- A. The keeper of any inn.  
*Penjaga mana-mana penginapan*
- B. The keeper of any such inn and includes a company or corporation.  
*Penjaga mana-mana penginapan itu dan termasuklah suatu syarikat atau perbadanan.*
- C. Any person duly appointed by the innkeeper to receive the goods of his guests for safe custody.  
*Mana-mana orang yang dilantik oleh penjaga rumah untuk menerima barang-barang daripada tetamunya, jagaan selamat.*
- D. The agent or servant of the innkeeper for the time being in charge of the inn or any person duly appointed by the innkeeper to receive the goods of his guests for safe custody.  
*Ejen atau perkhidmatan penjaga rumah yang pada masa itu sedang menjaga rumah penginapan atau mana-mana orang yang dilantik oleh penjaga rumah untuk menerima barang-barang daripada tetamunya, jagaan selamat.*
- CLO2 C2
17. The word “goods” in Innkeepers Act 1952 means  
*Perkataan “barang” dalam Akta 1952 bermaksud*
- A. Any current assets.  
*Apa-apa asset semasa.*
- B. Any movable property.  
*Apa-apa barang mudah alih.*
- C. Any owner property.  
*Apa-apa barang hak pemilik.*
- D. Any valuable property.  
*Apa-apa barang berharga.*

CLO2

C2

18. Choose the primary source of Islamic law.

*Pilih sumber utama dalam perundangan Islam.*

- A. Al- Quran  
*Al-Quran*
- B. Customs  
*Adat*
- C. Federal Constitution  
*Perlembagaan Persekutuan*
- D. Judge Jurisdiction  
*Keputusan Hakim*

“The victim should be compensated for any monetary loss for any denial of employment-related benefits”

*Mangsa harus diberikan pampasan berbentuk kewangan bagi setiap penafian faedah pekerjaanya.*

19. The above statement is best used to describe  
*Pernyataan di atas merujuk kepada*

CLO4

C4

- A. Forms of sexual harassment  
*Bahagian gangguan seksual*
- B. Definition of sexual harassment  
*Maksud gangguan seksual*
- C. Category of sexual harassment  
*Kategori gangguan seksual*
- D. Guidelines to combat sexual harassment  
*Panduan membasmi gangguan seksual*

CLO 4

C2

20. Which of the following is NOT the objective of National Tourism Policy?

*Yang manakah antara di bawah BUKAN objektif Polisi Pelancongan Kebangsaan?*

- A. Opportunities to promote education and environmental awareness  
*Peluang untuk mempromosi pelajaran dan kesedaran alam sekitar*
- B. To increase the contribution of tourism to the country economy  
*Meningkatkan sumbangan pelancongan kepada ekonomi negara*
- C. To empower rural communities through the rural tourism activities  
*Menambahbaik komuniti pedalaman melalui aktiviti pedalaman pelancongan*
- D. To facilitate 1Malaysia development through tourism  
*Memenuhi keperluan pembangunan 1Malaysia melalui pelancongan*

**SECTION B : 80 MARKS****BAHAGIAN B : 80 MARKAH****INSTRUCTION:**

This section consists of **SIX (6)** essay questions. Answer **FOUR (4)** questions only.

**ARAHAN:**

*Bahagian ini mengandungi **ENAM (6)** soalan eseai. Jawab **EMPAT (4)** soalan sahaja.*

**QUESTION 1****SOALAN 1**

CLO1  
C2

- (a) Describe **FOUR (4)** jurisdictions of the High Court.

*Huraikan **EMPAT (4)** bidangkuasa Mahkamah Tinggi.*

[8 marks]

[8 markah]

CLO1  
C2

- (b) Explain **THREE (3)** classifications of law in Malaysia.

*Terangkan **TIGA (3)** klasifikasi undang-undang di Malaysia.*

[12 marks]

[12 markah]

**QUESTION 2****SOALAN 2**CLO2  
C2

- (a) Define the following terms:

*Takrifkan istilah berikut:*

- i. Agency / Agensi
- ii. Principal / Prinsipal
- iii. Coercion / Paksaan
- iv. Consideration / Pertimbangan
- v. Special Agent / Agen Khas
- vi. Legal Capacity / Kapasiti Undang-undang

[6 marks]

[6 markah]

CLO2  
C2

- (b) List
- FOUR (4)**
- remedies for breach of contract.

*Nyatakan **EMPAT (4)** penawar bagi pelanggaran kontrak.*

[4 marks]

[4 markah]

CLO2  
C2

- (c) “A contract of agency can be expressed or implied for the circumstances and conduct of the parties.”

Differentiate the formation of agency by expressed appointment and implied appointment.

*“Kontrak agensi boleh dibuat secara nyata atau tersirat mengikut keadaan dan kelakuan sesetengah pihak”*

*Bezakan pembentukan agensi secara lantikan segera dan lantikan tersirat.*

[4 marks]

[4 markah]

CLO2

C2

- (d) What is discharge by frustration?

In what way a contract can be discharged through to this rule?

*Apakah pelepasan melalui kekecewaan?*

*Bagaimanakah kontrak boleh dilepaskan mengikut peraturan ini?*

[6 marks]

[6 markah]

### QUESTION 3

#### SOALAN 3

CLO2

C2

- (a) Identify **FOUR (4)** elements of negligence.

*Kenalpasti **EMPAT (4)** unsur-unsur kecuaian.*

[4 marks]

[4 markah]

CLO2

C2

- (b) Differentiate between Contributory Negligence and Professional Negligence.

*Bezakan antara Kecuaian Penyumbang dan Kecuaian Profesional.*

[4 marks]

[4 markah]

CLO4

C4

- (c) “Madam Y is a guest in Hotel X. She is trying to close the window of her room when it shattered, injuring her arm. The putty around the window pane was old and decaying; a defect that could have been ascertained by reasonable inspection.”

Based on the above case, discuss the liability of the hotel.

*“Puan Y adalah seorang tetamu di Hotel X. Dia cuba untuk menutup tingkap biliknya dan pada masa yang sama tingkap tersebut hancur, mencederakan lengannya. Rangka sekitar panel tetingkap berkenaan telah reput; di mana kerosakan yang tersebut telah ditentukan melalui pemeriksaan berkala”*

*Merujuk kepada situasi ini, bincangkan liabiliti hotel tersebut.*

[12 marks]

[12 markah]

**QUESTION 4*****SOALAN 4***

CLO2

C2

- (a) Explain the sources of
- Muslim Law**
- .

*Jelaskan mengenai sumber-sumber Undang-undang Islam.*

[8 marks]

[8 markah]

CLO2

C3

- (b) An innkeeper has the right to withdraw hotel privileges and evict a guest, provided no force is used than necessary.

Explain **FOUR (4)** factors where the innkeeper has the right to withdraw hotel privileges.*Pihak penjaga penginapan mempunyai hak untuk menarikbalik keistimewaan hotel dan mengusir tetamu, tanpa menggunakan paksaan.**Jelaskan **EMPAT (4)** faktor yang mendorong penjaga penginapan untuk menggunakan hak menarikbalik keistimewaan hotel.*

[12 marks]

[12 markah]

**QUESTION 5*****SOALAN 5***

CLO2

C3

- (a) Explain the meaning of
- sexual harassment**
- .

*Terangkan maksud gangguan seksual.*

[5 marks]

[5 markah]

CLO2

C3

- (b) List
- FIVE (5)**
- types form of sexual harassment.

*Senaraikan **LIMA (5)** jenis gangguan seksual.*

[5 marks]

[5 markah]

CLO2

C3

- (c) Explain
- TWO (2)**
- categories of sexual harassment and give example for each category.

*Terangkan **DUA (2)** kategori gangguan seksual berserta contoh.*

[10 marks]

[10 markah]