

SULIT



BAHAGIAN PEPERIKSAAN DAN PENILAIAN
JABATAN PENDIDIKAN POLITEKNIK
KEMENTERIAN PENDIDIKAN TINGGI

JABATAN PELANCONGAN DAN HOSPITALITI

PEPERIKSAAN AKHIR
SESI DISEMBER 2015

HT311: TOURISM AND HOSPITALITY LAW

TARIKH : 4 APRIL 2016
MASA : 11.15 AM – 1.15 AM (2 JAM)

Kertas ini mengandungi ENAM BELAS (16) halaman bercetak.

Bahagian A: Objektif (20 soalan)

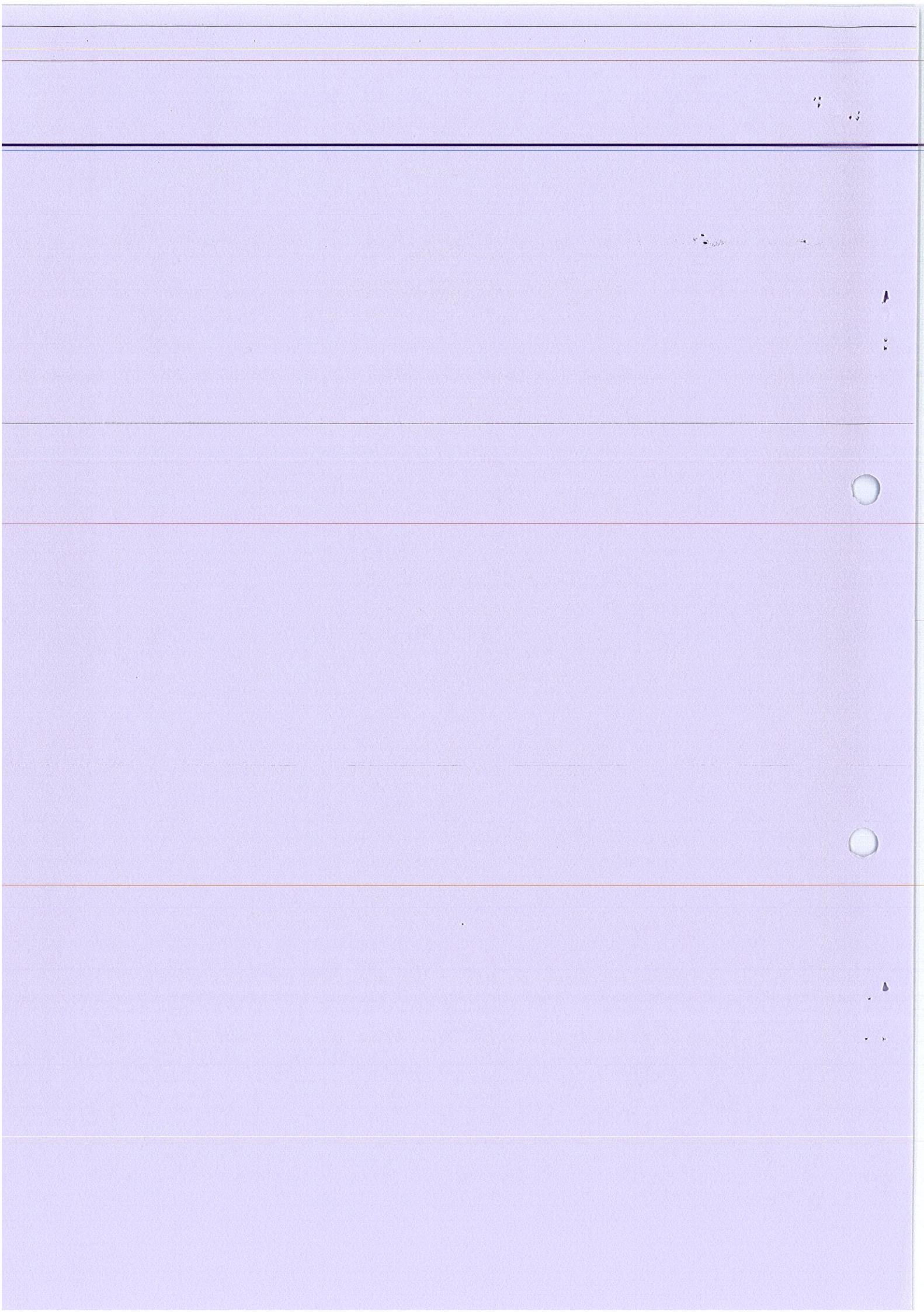
Bahagian B: Esei (6 soalan)

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

JANGAN BUKA KERTAS SOALAN INI 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.

1. Unwritten Law consists of.

Undang-Undang tidak bertulis merangkumi.

- A. The English Law, The Islamic Law, Subsidiary Law
Undang-Undang Inggeris, Undang-Undang Islam, dan Undang-Undang Subsidiari.
- B. The English Law, The judicial Decisions, The Customs
Undang-Undang Inggeris, Keputusan Hakim dan Undang-Undang Adat.
- C. The Islamic Law, The English Law, The Customs.
Undang-Undang Islam, Undang-Undang Inggeris, dan Undang-Undang Adat.
- D. The Islamic Law, The Customs, and The Judicial Decisions.
Undang-Undang Islam, Undang-Undang Adat , dan Keputusan Hakim.

It has unlimited criminal and civil power in exercising its jurisdiction.
Mempunyai bidang kuasa yang tidak terhad bagi kes jenayah dan kes sivil.

2. The above statement refers to which court?

Pernyataan diatas merujuk kepada mahkamah

- A. Federal Court
Mahkamah persekutuan
- B. Juvenile Court
Mahkamah Juvana
- C. Session Court
Mahkamah Seksyen
- D. High Court
Mahkamah Tinggi.

3. Below are classifications of law in Malaysia EXCEPT:

CLO1
C1

Dibawah 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
C1

4. Choose the CORRECT hierarchy of courts in Malaysia.

Pilih hierarki mahkamah di Malaysia yang BETUL.

- A. Federal Court, High Court, Court of Appeal, Magistrate Court, and Session Court.
Mahkamah Persekutuan, Mahkamah Tinggi, Mahkamah Rayuan, Mahkamah Magistret, dan Mahkamah Seksyen.
- B. Federal Court, Court of Appeal, High Court, Session Court, and Magistrate Court.
Mahkamah Persekutuan, Mahkamah Rayuan, Mahkamah Seksyen, Mahkamah Majistret.
- C. High Court, Federal Court, Court of Appeal, Magistrate Court, and Session Court.
Mahkamah Tinggi, Mahkamah Persekutuan, Mahkamah Magistret, dan Mahkamah Seksyen
- D. High Court, Federal Court, Court of Appeal, Session Court and Magistrate Court.
Mahkamah Tinggi, Mahkamah Persekutuan, Mahkamah Rayuan, Mahkamah Seksyen dan Mahkamah Magistret

CLO2

C2

5. The basic elements of contract law include the following EXCEPT:

- A. Proposal
Tawaran
- B. Acceptance
Penerimaan
- C. Capacity
Keupayaan
- D. Exception
Pengecualian

CLO2
C2

6. "When a promise is made in return for the performance of an act".
This statement refers to:

"Janji yang dibuat selepas sesuatu tindakan telah dilaksanakan".
Pernyataan ini merujuk kepada:

- A. Executory
Eksekutori
- B. Executed
Tersempurna
- C. Past consideration
Balasan lampau
- D. Exception
Pengecualian

CLO2 C2 7. Which of the following is not the exception of capacity for a contract?

Manakah diantara berikut tidak termasuk dibawah pengecualian kapasiti (keupayaan berkontrak)?

A. Contract of necessities
Kontrak berkaitan keperluan.

(B) Contract of scholarship
Kontrak berkaitan biasiswa.

C. Contract of insurance
Kontrak berkaitan insurans.

D. Contract of agency
Kontrak agensi.

CLO2 C2 8. Discharge of Contract can be made by:

Pembatalan Kotrak boleh dibuat dengan:

I. Discharge by performance ✓
Pembatalan melalui prestasi

II. Discharge by agreement ✓
Pembatalan melalui perjanjian

III. Discharge by frustration ✓
Pembatalan melalui kekecewaan

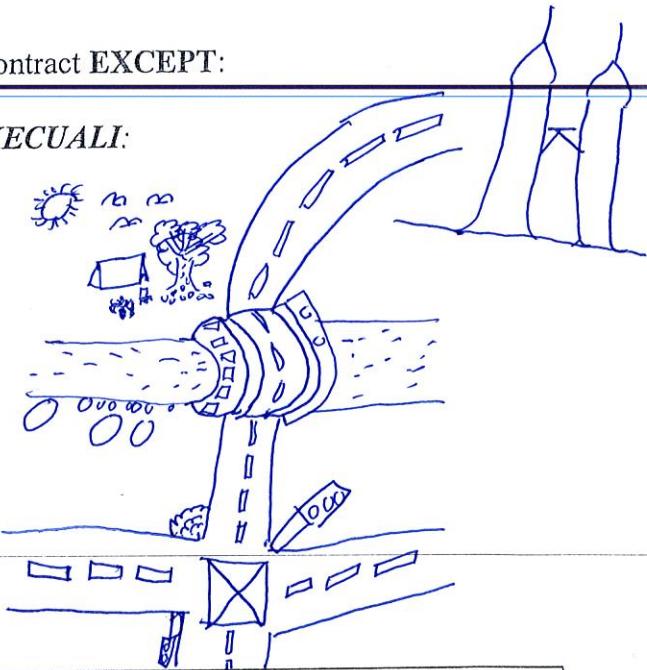
IV. Discharge by notice
Pembatalan melalui notis

V. Discharge by breach ✓
Pembatalan melalui perlenggaran tugas

- (A) I, II, III, V
B. I, II, IV, V
C. I, III, IV, V
D. I, II, III, IV, V

CLO2 C2 9. The following are types of consideration in contract EXCEPT:

- Berikut merupakan elemen-elemen balasan **KECUALI**:
- Executory consideration.
Eksekutori.
 - Executed consideration.
Tersempurna.
 - Exception consideration.
Pengecualian.
 - Past consideration.
Balasan lampau.



CLO2 C2 10.

An agent who is employed to act on behalf of his principal, generally in transactions relating to a particular trade or business.

Seorang ejen yang berkerja mewakili principalnya, terutama transaksi yang melibatkan perkara seperti perdagangan atau perniagaan

He is not affected by any limitations on the agent's usual authority unless he/she is aware of these limitation.

Beliau tidak dipengaruhi oleh sebarang batasan ke atas kuasa daripada ejen melain beliau tahu akan batasannya.

From the statements above, the best classification of an agent, according to the extend of authority refers to

Berdasarkan pernyataan di atas, klasifikasi yang terbaik berkenaan penurunan kuasa merujuk kepada

- a secret agent
ejen rahsia
- a special agent
ejen khas
- C. a general agent
ejen umum
- a universal agent
ejen 'universal'

CLO2
C2

11. An agency can be created in the following ways EXCEPT ,

Sebuah agensi boleh dibentuk melalui cara di bawah KECUALI

- A. ratification by the agent
pengesahan oleh ejen
- B. the doctrine of estoppel or holding out
doktrin 'estoppel'
- C. express appointment by the principal
persetujuan 'express' oleh prinsipal
- D. implied appointment by the principal
persetujuan 'implied' oleh prinsipal

CLO2
C2

12. Under negligence, one of the elements is injury which is suffered by the plaintiff.
Select the correct injury that is known as personal injury.

Di bawah kecuaian, salah satu elemen adalah kecederaan yang dialami oleh plaintif. Pilih kecederaan yang betul dikenali sebagai kecederaan peribadi.

- A. Emotional
Emosi
- B. Monetary loss
Kerugian kewangan
- C. Broken arm
Patah lengan
- D. Dented car
Kereta kemik

- 13 In the case of negligence, which of the following incident is not considered as the duty of care?

Antara kejadian berikut yang manakah bukan menunjukkan kewajipan menjaga?

- A. A child was trespassing a place and caught by an accident
Kanak-kanak menceroboh dan tertangkap dalam kemalangan
- B. A customer slip on the wet floor at a hotel
Pelanggan jatuh disebabkan lantai hotel yang basah
- C. A child was hit by a driver on the road
Kanak-kanak yang dilanggar di jalan raya
- D. A guest has lost his belongings in the hotel room
Pelanggan kehilangan barang di bilik hotel

14.

Basic Award/
Penghargaan asas

Compensatory Award/
Penghargaan berpampasan

Special Award/
Penghargaan Khas

Figure 1

Figure 1, explain the remedies for unfair dismissal. In Employment Act, what type of remedies that are explain above?

Rajah di atas menjelaskan tentang manfaat yang diberikan untuk pemberhentian yang tidak adil kepada semua pekerja. Apakah jenis manfaat yang diterangkan di atas?

- A. Rewards
Upah
- B. Compensation
Pampasan
- C. Wages
Ganjaran
- D. Statutory benefits
Faedah berkanun

15. Innkeepers Act 1952 only applies to
Akta Penginapan 1952 hanya digunakan di

- A. Sabah
Sabah
- B. Sarawak
Sarawak
- C. Peninsular Malaysia
Semenanjung Malaysia
- D. Malaysia Region
Seluruh Malaysia

16. The innkeeper's lien can be granted over.
Penyitaan oleh penjaga penginapan hanya merangkumi.

- A. Guest belongings
kepunyaan tetamu
- B. Guest own person
diri sendiri
- C. Guest pets
haiwan peliharaan tetamu
- D. Guest property such as car
harta tetamu seperti kereta

17. In Section 3 (Innkeepers Act 1952) the innkeeper's has the right to
Dalam Seksyen 3 (Akta Penginapan 1952) penjaga rumah yang mempunyai hak untuk

- A. Refuse to accept property for safe custody
Keengganan untuk menerima harta untuk jagaan selamat
- B. Sell by public auction any goods which may have been deposited or left in the inn,
 garage, car park or other premises
*Menjual melalui lelongan awam apa-apa barang yang belum didepositkan atau
 meninggalkannya di rumah penginapan, garaj, tempat meletak kendaraan atau
 premis lain*
- C. Declare the value of such goods
Melaporkan nilai barang
- D. Advertise a notice in newspaper at least one month before any such sale
*Iklan suatu notis dalam akhbar sekurang-kurangnya sebulan sebelum penjualan
 itu.*

CLO3
C3

18. Which of the following is NOT the Islamic Principle of Human Resources Management.

Manakah antara berikut BUKAN merupakan Prinsip Pengurusan Sumber Manusia Islam.

A. Syura practitioner
Pengamal Syura.

B. Justice
Keadilan.

C. Equality
Kesaksamaan.

D. Academic
Pendidikan.

CLO2
C3

19. When you are being sexually harassed at a workplace, consider to do the following action EXCEPT

Apabila kamu diganggu di tempat kerja, pertimbangkan untuk melakukan perkara berikut KECUALI

A. Make a formal complaint to the organization
Membuat aduan rasmi kepada organisasi

B. Tell someone immediately
Beritahu pada seseorang segera

C. Apologize and smile to them
Meminta maaf dan senyum pada mereka

D. Object the behaviour
Halang tingkah laku

CLO2
C2

20. All of the statement are true about Malaysian Visa, EXCEPT?

Semua kenyataan dibawah adalah benar tentang Visa Malaysia, KECUALI?

- A. Single Entry Visa is valid for single entry for a period of 3 month from the date issue.

Single entry Visa sah untuk masuk sekali dalam tempoh 3 bulan dari tarikh ia dikeluarkan.

- B. Multiple Entry Visa is valid for multiple entry for a period within 3-12 month.

Multiple entry Visa sah untuk masuk berulang kali dalam tempoh 3-12 bulan.

- C. Transit Visa is a Visa for tourist who need to enter Malaysia on transit to other country.

Transit Visa adalah visa untuk pelancong yang perlu masuk ke Malaysia sebelum masuk ke Negara lain..

- D. Multiple Entry Visa is valid for multiple entry for a period of 12 month.

Multiple Entry Visa sah untuk masuk berulang kali dalam tempoh 12 bulan.

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
C1 (a) Define the terminology below:

Terangkan terminologi di bawah:

- i. Defendant

Defendant

- ii. Plaintiff

Plaintif

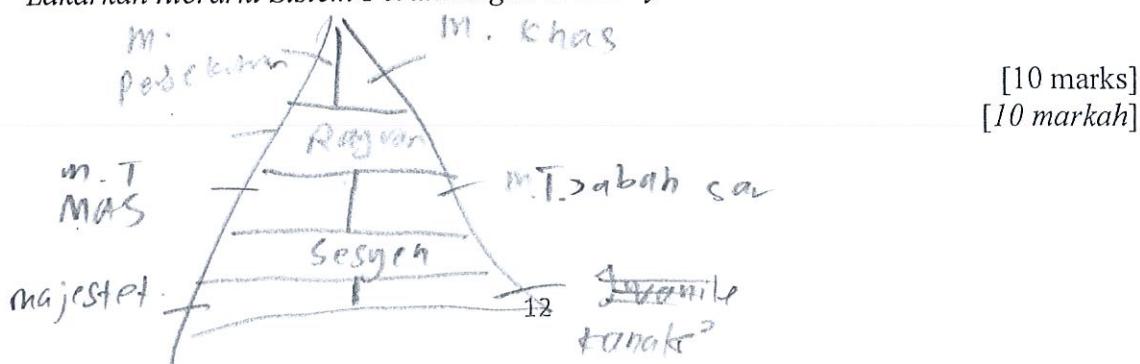
- iii. A solicitor - give legal advice and
Peguam cara legal documentings

- iv. Prosecutor - person that charge of
Pendakwa *kesalahan on somebody at court.*

[4 marks]
[4 markah]

- CLO1
C2 (b) Draw the hierarchy of the Judicial System in Malaysia.

Lakarkan hierarki Sistem Perundangan di Malaysia.



[10 marks]
[10 markah]

CLO1
C2

(c) Explain the Juvenile Court.

Terangkan berkenaan dengan Mahkamah Juvana.[6 marks]
[6 markah]**QUESTION 2**
SOALAN 2CLO2
C2

(a) Explain the meaning of an actual authority and apparent authority.

Nyatakan maksud 'actual authority' dan 'apparent authority'.[5 marks]
[5 markah]CLO2
C2(b) Agency can be created by **FIVE (5)** different ways. List down all of them.*Agensi boleh dibentuk melalui **LIMA (5)** cara yang berlainan. Senaraikan kesemua cara berkenaan.*[5 marks]
[5 markah]CLO2
C2

(c) "All contracts are agreement but, not all agreements are contract."

Based on the above statement, explain **FIVE (5)** elements of contracts supported by the provisions in the Contracts Act 1950.*"Semua kontrak adalah perjanjian, tetapi bukan semua perjanjian adalah kontrak."**Berdasarkan pernyataan di atas, terangkan **LIMA (5)** elemen kontrak berdasarkan peruntukan di dalam Akta Kontrak 1950.*

- offer and acceptance [10 marks]
[10 markah]
- consideration
- intention to create legal relation
- certainty
- free consent

QUESTION 3
SOALAN 3

CLO2
C2

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

Kenalpasti EMPAT (4) unsur-unsur kecuaian.

- duty of care
- breach of duty
- consequential damage
- proximate cause

[4 marks]

[4 markah]

CLO2
C2

- (b) Briefly explain
- TWO (2)**
- types of injury.

Huraikan secara ringkas DUA (2) jenis kecederaan.

- physical
- economic loss

[4 marks]

[4 markah]

CLO2
C2

- (c) Determine
- FIVE (5)**
- different duties between employer and employees.

Beri LIMA (5) perbezaan antara pekerja dan majikan

[12 marks]

[12 markah]

QUESTION 4
SOALAN 4

CLO 2
C2

- (a) Explain the concept of “Inn” in “Innkeepers Act 1952”.

Huraikan konsep “Inn” dalam “Akta Innkeepers 1952”.

[4 marks]

[4 markah]

CLO 2
C2

- (b) According to Innkeepers Act 1952, explain the Liability for guest's property.

Berdasarkan Akta Penginapan 1952, jelaskan tanggungjawab ke atas harta benda tetamu.

[10 marks]

[10 markah]

CLO2
C2

- (c) Identify
- SIX (6)**
- Innkeepers right to refuse service

Kenalpasti ENAM(6) hak “Innkeepers” untuk menolak untuk memberi perkhidmatan

[6 marks]

[6 markah]

QUESTION 5
SOALAN 5

CLO2
C2

- (a) The Ministry of Human Resource has establish a 'Code of Practice on The Prevention and Eradication of Sexual Harassment in The Workplace in 1999'. What is the aim of code of practice?

Kementerian Sumber manusia telah membangunkan 'Code of Practice on The Prevention and Eradication of Sexual Harassment in The Workplace' pada tahun 1999. Apakah matlamat kod tersebut?

[2 marks]
[2 markah]

CLO2
C2

- (b) Sexual Harassment can be divided into TWO (2) categories. Please explain both categories

Gangguan seksual boleh dibahagikan kepada DUA (2) kategori. Sila jelaskan kedua-dua kategori tersebut.

~~Sexual coercion~~
Sexual coercion
Sexual annoyance

[8 marks]
[8 markah]

CLO2
C2

- (c) Sexual harassment can happen in FIVE (5) possible forms. List and give TWO (2) example for all the forms.

Gangguan seksual boleh berlaku dalam LIMA (5) keadaan. Senaraikan dan berikan DUA (2) contoh bagi setiap keadaan tersebut

- Verbal
- Non Verbal
- Physical
- Psychological
- Visual

[10 marks]
[10 markah]

QUESTION 6**SOALAN 6**

- CLO2 C2 (a) Explain the aspects covered under National Ecotourism Plan.

Terangkan aspek-aspek dibawah Plan Ekopelancongan Kebangsaan.

[8 marks]
[8 markah]

- CLO2 C3 (b) Explain the implementation elements of National Ecotourism Plan.

Jelaskan elemen-elemen pelaksanaan Rancangan Ekopelancongan Kebangsaan.

[5 marks]
[5 markah]

- CLO2 C2 (c) List down SEVEN (7) actions included in site planning and management of National Ecotourism Plan.

Senaraikan TUJUH (7) tindakan yang terdapat di dalam perancangan tapak dan pengurusan Pelan Ekopelancongan Kebangsaan.

[7 marks]
[7 markah]

SOALAN TAMAT

