

SULIT



BAHAGIAN PEPERIKSAAN DAN PENILAIAN
JABATAN PENDIDIKAN POLITEKNIK
KEMENTERIAN PENDIDIKAN TINGGI

JABATAN PELANCONGAN DAN HOSPITALITI

PEPERIKSAAN AKHIR
SESI JUN 2016

DTM3042: TOURISM AND HOSPITALITY LAW

TARIKH : 25 OKTOBER 2016
MASA : 11.15 AM - 1.15 PM (2 JAM)

Kertas ini mengandungi **LAPAN BELAS (18)** halaman bercetak.

Bahagian A: Objektif (20 soalan)

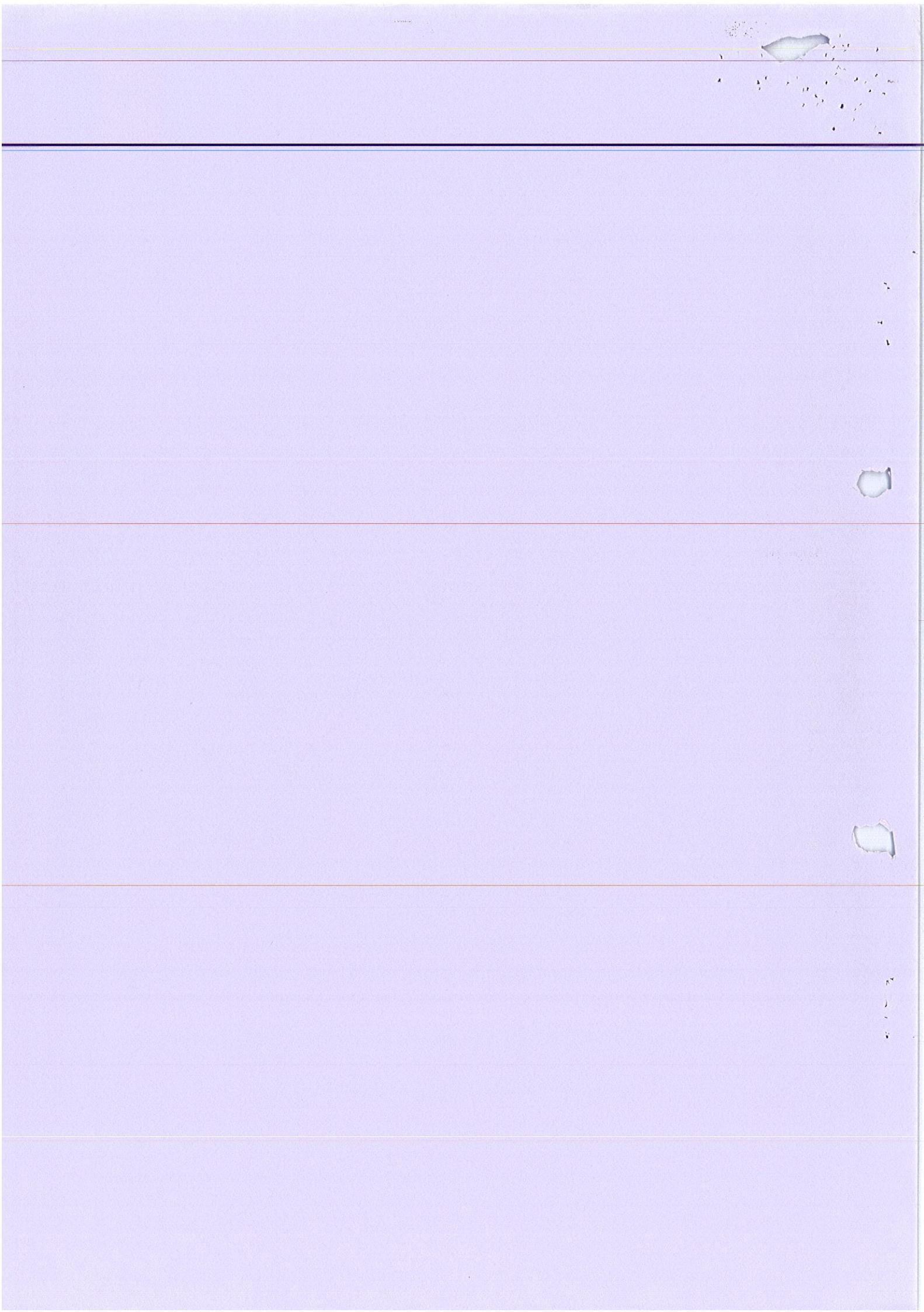
Bahagian C: Struktur (6 soalan)

Dokumen sokongan yang disertakan : 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
C1

1. Define the meaning of law

Berikan maksud undang-undang

- A. Law enacted by a body constituted for this purpose
Undang-undang yang digubal oleh badan yang ditubuhkan untuk tujuan ini
- B. System of rules, usually enforced through a set of institutions
Sistem peraturan, biasanya dikuatkuasakan melalui satu set institusi
- C. Any system of regulations to govern the conduct of the people
Mana-mana sistem peraturan-peraturan untuk mengawal kelakuan rakyat
- D. Rule or set of rules regulating what may or may not be done
Peraturan atau set peraturan yang mengawal selia apa yang boleh atau tidak boleh dilakukan

CLO1
C1

2. Below are the classification of law **EXCEPT**

Berikut adalah klasifikasi undang-undang KECUALI

- A. Public Law
Undang-undang Awam
- B. International Law
Undang-undang Antarabangsa
- C. Written Law
Undang-undang bertulis
- D. Private Law
Undang-undang persendirian

- | | |
|------------|---|
| CLO1
C1 | <p>3. A restaurant can foresee that the leg of a chair in their dining area can be broken if someone sat on it. But the restaurant does not fix it immediately'. From this statement, select the RIGHT element to prove if there is negligence or not.</p> <p>'Sebuah restoran boleh menjangkakan bahawa kaki kerusi di bilik makannya boleh patah jika seseorang duduk di atasnya. Tetapi restoran tidak memperbaikinya segera'. Dari kenyataan ini, pilih unsur yang BETUL untuk membuktikan jika ada kecuaian atau tidak.</p> <ul style="list-style-type: none">A. Injury to the plaintiff
<i>Kecederaan kepada plaintif</i>B. Breach of duty of care
<i>Pelanggaran kewajipan penjagaan</i>C. Proximate cause injury to the plaintiff
<i>Lebih kurang penyebab kecederaan kepada plaintif</i>D. The existence of a duty to act reasonably
<i>Kewujudan kewajipan untuk bertindak secara munasabah</i> <p>4. 'A bellboy had found a wallet in the lobby that belonged to one of the hotel customer. The bellboy gave the wallet to the front desk to be returned to the owner'. From this statement, select the RIGHT element to prove if there is negligence or not.</p> <p>'Seorang pelayan telah menemui dompet di lobi milik salah seorang pelanggan hotel. Pelayan itu memberi dompet di kaunter hadapan untuk dikembalikan kepada pemilik. Dari kenyataan ini, pilih unsur yang BETUL untuk membuktikan jika ada kecuaian atau tidak.</p> <ul style="list-style-type: none">A. Injury to the plaintiff
<i>Kecederaan kepada plaintif</i>B. Breach of duty of care
<i>Pelanggaran kewajipan penjagaan</i>C. Proximate cause injury to the plaintiff
<i>Lebih kurang penyebab kecederaan kepada plaintif</i>D. The existence of a duty to act reasonably
<i>Kewujudan kewajipan untuk bertindak secara munasabah</i> |
|------------|---|

- CLO2
C1 5. The word ‘contract’ according to the law refers to
Perkataan ‘kontrak’ menurut undang-undang merujuk kepada
- A. An agreement between two important parties that exchange with something in return.
Perjanjian diantara dua pihak terlibat yang melibatkan pertukaran sesuatu diantara mereka
- B. An agreement between two parties who realize the benefit of each other.
Perjanjian diantara dua pihak yang menyedari faedah antara satu sama lain.
- C. An agreement between two or more parties that is legally bounded between them.
Perjanjian diantara dua atau lebih pihak yang terikat secara sah mengikut undang-undang.
- D. An agreement between two parties that is enforceable by law.
Perjanjian diantara dua pihak yang dikuatkuasakan oleh undang-undang.
- CLO2
C1 6. Which of the following is NOT TRUE about communication of an offer?
Manakah antara pernyataan berikut TIDAK BENAR mengenai komunikasi kontrak?
- A. An offer must be communicated to the offeree before it can be accepted.
Tawaran mestilah disampaikan kepada penerima tawaran sebelum iaanya diterima olehnya.
- B. The offeree cannot accept an offer unless he knows it.
Penerima tawaran tidak boleh menerima sesuatu tawaran kecuali dia mengetahui tentangnya.
- C. The offeree can intend to accept an offer of which he is ignored.
Penerima tawaran boleh berniat untuk menerima tawaran yang dia tidak perendahkan.
- D. The communication of proposal is complete when it comes to the knowledge of the person to whom it is made.
Komunikasi cadangan selesai apabila ia datang kepada pengetahuan orang yang kepadanya ia dibuat.

- CLO2
C2 7. Section 14 in Contract Law— Consent is said to be free when it is not caused by:

Seksyen 14 dibawah Undang-undang Kontrak - Persetujuan dikatakan bebas apabila ia tidak disebabkan oleh

- I. Coercion
Paksaan
- II. Undue influence
pengaruh tidak wajar
- III. Fraud
Penipuan
- IV. Misrepresentation
salah nyata
- V. Mistake
kesilapan
 - A. I, II, III and IV
 - B. I, II, IV and V
 - C. I, III, IV and V
 - D. I,II, III,IV and V

- CLO2
C3 8. Below are the types of discharge of contract **EXCEPT**

Di bawah adalah beberapa jenis pelepasan kontrak KECUALI

- A. Discharge by performance.
Pelepasan melalui pelaksanaan kontrak.
- B. Discharge by agreement.
Pelepasan melalui perjanjian nyata.
- C. Discharge by frustration.
Pelepasan melalui kekecewaan kontrak.
- D. Discharge by notice.
Pelepasan melalui notis.

CLO2
C2

9. Which of the following are the important factors in assessing breach of duty in order to establish negligence?

Manakah antara yang berikut merupakan faktor penting dalam menilai pelanggaran tugas untuk sabitkan kecuaian?

- I. The standard the industry practice
Standard yang diamalkan oleh industri
- II. Whether the defendant could recover the loss of plaintiff
Sama ada defendant boleh menanggung kerugian plaintif
- III. Was there value justification behind the defendant's action
Adakah nilai justifikasi di sebalik tindakan defendant
- IV. Whether the defendant's action could result in serious harm
Sama ada tindakan defendant boleh menyebabkan kerosakan yang serius
 - A. I, II and III
 - B. I, II and IV
 - C. I, III and IV
 - D. II, III and IV

CLO2
C2

10. Recognize the correct steps in proving negligence.

Kenal pasti langkah-langkah yang betul dalam membuktikan kecuaian.

- I. Breach of duty
Pelanggaran tugas
 - II. Proof of causation
Bukti penyebab
 - III. Duty of care owed
Tugas kewajipan yang dihutang
 - IV. Damage not remote
Kerosakan yang munasabah
- A. II, III, IV and I
 - B. III, IV, I, II

C. III, I, II, IV

D. IV, I, II, III

11. An employee enters into contract with the employer in Employment Act 1955 falls under

- Pekerja yang membuat kontrak dengan majikan seperti dalam Akta Pekerjaan 1955 diletakkan di bawah*
- A Contract to be revoked
Kontrak untuk dibatalkan
 - B Contract of acceptance
Kontrak penerimaan
 - C Contract of service
Kontrak dalam perkhidmatan
 - D Contract for service
Kontrak kerana perkhidmatan

CLO2
C3

CLO2
C4

12. Saiful was a diligent and dedicated employee at METrO Tour and Travel for 4 years. His employment contract will be terminated soon and the company gave Saiful 4 weeks' notice for job termination. Can the company do that?

Saiful adalah seorang pekerja yang rajin dan berdedikasi di METrO Tour and Travel selama 4 tahun. Kontrak pekerjaannya akan ditamatkan tidak lama lagi dan syarikat itu memberi notis 4 minggu kepada Saiful untuk penamatkan kerja. Bolehkah syarikat berbuat demikian?

- A. Yes, because Saiful has done misconduct. Some said Saiful was lazy.
Ya, kerana Saiful telah melakukan salah laku. Ada orang kata, Saiful pemalas.
- B. No, because Saiful has worked for 4 years. He deserved a 6 weeks' notice.
Tidak, kerana Saiful telah bekerja selama 4 tahun. Beliau berhak menerima notis 6 minggu.

- C. Yes, because Saiful was a contract employee. He can be terminated anytime.
Ya, kerana Saiful adalah seorang pekerja kontrak. Beliau boleh ditamatkan bila-bila masa.
- D. No, because Saiful was dedicated at work. He should be offered to renew his contract.
Tidak, kerana Saiful sangat berdedikasi di tempat kerja. Beliau patut ditawarkan untuk memperbaharui kontraknya.

- CLO2
C3
13. "Farah and Adrian went to Perhentian Island for their honeymoon and stayed at Everly Hotel for two nights. The next evening, Adrian and Farah have dinner at the hotel's restaurant. Farah left her purse at the restaurant table and did not realize this until they returned to the room. They went back to the restaurant to search for the purse but could not find it. Farah accused the restaurant staff for stealing her purse. The restaurant manager, Arif however explained that Everly Hotel was not liable for the loss of her purse."

'Farah dan Adrian pergi ke Pulau Perhentian untuk bulan madu mereka dan tinggal di Everly Hotel selama dua malam. Malam seterusnya, Adrian dan Farah makan malam di restoran hotel. Farah meninggalkan dompet beliau di meja restoran dan tidak menyedari hal ini sehingga mereka kembali ke bilik. Mereka kembali ke restoran untuk mencari dompet tetapi tidak menjumpai dompet tersebut. Farah menuduh kakitangan restoran mencuri dompet beliau. Pengurus restoran, Arif menjelaskan bahawa Everly Hotel tidak bertanggungjawab terhadap kehilangan dompet beliau.'

Based on the case stated above, what is the law legislated which relate to these statements?

Berdasarkan kes di atas, apakah undang-undang yang digubal yang berkaitan dengan kenyataan ini?

- A. Tourism Act
Akta Pelancongan
- B. Innkeepers Act
Akta Innkeeper
- C. Employment Act
Akta Pekerjaan
- D. Consumer Protection Act
Akta Keselamatan Pengguna

CLO2
C4

14. Some of the statements below are duties of employer and some, duties of employee. Distinguish between the two duties by choosing the duties of an employer.

Sebahagian daripada kenyataan di bawah adalah kewajipan majikan dan sebahagian daripadanya, kewajipan pekerja. Bezakan antara kedua-dua kewajipan tersebut dengan memilih kewajipan majikan.

- I. Pay salary on time.
Bayar gaji tepat pada masanya.
 - II. Give faithful service.
Memberikan perkhidmatan yang setia.
 - III. Establish rules of work.
Mewujudkan peraturan kerja.
 - IV. Obey the lawful orders.
Mematuhi perintah yang sah.
- A. I, II
 - B. I, III
 - C. II, III
 - D. III, IV

CLO2
C2

15. Choose two types of secondary sources of Islamic Law.

Pilih dua jenis sumber sekunder Undang-Undang Islam.

- I. Al-Ijma
 - II. Al-Qiyas
 - III. Al-Quran
 - IV. As-Sunnah
- A. I, II
 - B. I, III
 - C. II, III
 - D. III, IV

- CLO2
C3 16. The Islamic jurists have investigated the below forms of Modern Law that deal with internal affairs, **EXCEPT**

*Para Ulama' Islam telah membuat penyelidikan berkenaan Undang-undang Moden yang berurusan dengan hal ehwal dalaman seperti berikut,
KECUALI*

- A. English Law
Undang-undang Inggeris
- B. Commercial Law
Undang-undang Perdagangan
- C. Constitutional Law
Undang-undang Perlembagaan
- D. Administartive Law
Undang-undang Pentadbiran

Environmentally responsible travel and visitation to relatively undisturbed natural areas in order to enjoy and appreciate nature.

Perjalanan bertanggungjawab terhadap alam sekitar dan lawatan ke kawasan bersifat semula jadi untuk menikmati dan menghargai alam semula jadi

- CLO2
C2 17. The above statement refers to
Kenyataan di atas merujuk pada

- A. ecotourism
eko pelancongan
- B. culture tourism
pelancongan budaya
- C. mass tourism
pelancongan massa
- D. tourism
pelancongan

- CLO2 C3 18. According to Immigration Act 1965, a tourist must have an international passport or other recognized travel documents which should be valid for
Pelancong mesti mempunyai pasport antarabangsa atau lain-lain dokumen perjalanan yang diiktiraf sah untuk
- A. at least 8 months from the date of return to country of origin
sekurang-kurangnya 8 bulan dari tarikh kembali ke negara asal
- B. at least 7 months from the date of return to country of origin
sekurang-kurangnya 7 bulan dari tarikh kembali ke negara asal
- C. at least 6 months from the date of return to country of origin
sekurang-kurangnya 6 bulan dari tarikh kembali ke negara asal
- D. at least 5 months from the date of return to country of origin
sekurang-kurangnya 5 bulan dari tarikh kembali ke negara asal
- CLO2 C2 19. A bellboy has been sexual harassed by his female manager during work at Asmaradana Hotel and Spa. The harassment include touching of an intimate body part, patting, pinching, stroking and brushing up against the body. Identify the form of this sexual harassment.
Seorang pelayan lelaki telah diganggu secara seksual oleh pengurus wanita semasa bekerja di Asmaradana Hotel and Spa. Gangguan ini termasuk menyentuh bahagian intim badan, menepuk, mencubit, mengusap dan menggesel badan. Kenal pasti apakah bentuk gangguan seksual ini.
- A. Psychological Harassment
Gangguan Psikologi
- B. Non-verbal Harassment
Gangguan Bukan Lisan
- C. Physical Harassment
Gangguan Fizikal
- D. Visual Harassment
Gangguan Penglihatan

- CLO2
C3 20. All of the followings interpret the potential, ethical and liability issues in tourism and hospitality operational problems **EXCEPT**

*Kesemua yang berikut memberi tafsiran potensi, etika dan liability isu dalam masalah operasi pelancongan dan hospitality **KECUALI***

- A. Tourist lost his way during his holiday.
Pelancong sesat dalam perjalanan semasa melancong.
- B. Unplanned changes in itinerary of booked flights.
Perubahan tidak dijangka dalam jadual perjalanan untuk penerbangan yang ditempah.
- C. Non delivery of promised services towards customers.
Perkhidmatan yang dijanjikan tidak dihantar kepada pelanggan.
- D. Compensation, negligence issues on employers towards employees.
Isu pampasan dan kecuaian ke atas majikan terhadap pekerja.

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

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

ARAHAN:

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

QUESTION 1**SOALAN 1**

- CLO1 (a) Explain **FIVE (5)** importance of law

Terangkan LIMA (5) kepentingan undang-undang

[10 marks]

[10 markah]

- CLO1 (b) Explain law in the acts of tourism industry stated below.
C1

Terangkan undang- undang di dalam akta industri pelancongan yang dinyatakan di bawah.

- i. Transportation Act
- ii. Visa and passport Act
- iii. Environment Act
- iv. Custom and immigration regulations
- v. PERHILITAN Act

[10 marks]

[10 markah]

QUESTION 2**SOALAN 2**CLO2
C2

- (a) Discharge of contract can be defined as the parties to the contract who are released from the obligations of the contract.

Describe **FOUR (4)** ways in which contract can be discharged.

Pelepasan kontrak boleh didefinisikan sebagai pihak kepada kontrak tersebut dilepaskan daripada kewajipan kontrak.

*Jelaskan **EMPAT (4)** cara di mana kontrak boleh dilepaskan.*

[8 marks]

[8 markah]

CLO2
C3

- (b) Law of agency in travel and tourism industry involves the relationship between tour operators, travel agent, holidaymaker, accommodation and transport provider. Relate the express appointment and implied appointment of agency formation with their examples in the context of tourism industry.

Undang- undang agensi dalam industri pengembalaan dan pelancongan melibatkan pengusaha pelancongan, ejen pelancongan, penginapan dan pembekal pengangkutan. Beri hubung kait berkenaan pelantikan ekspres dan pelantikan tersirat dalam pembentukan agensi dan berikan contoh dalam konteks industri pelancongan.

[8 marks]

[8 markah]

CLO2
C2

- (c) Define the meaning of an agent and principal.

Takrifkan maksud agen dan prinsipal.

[4 marks]

[4 markah]

QUESTION 3**SOALAN 3**CLO2
C1

- (a) Restaurateurs and hoteliers have their own duties. State the conditions that can lead to accidents and injuries in the restaurant and the hotel as a result of negligence by restaurateurs and hoteliers.

Pengusaha restoran dan hotel akan mempunyai tugas rutin. Nyatakan keadaan yang boleh menyebabkan kemalangan dan kecederaan di restoran dan hotel akibat daripada kecuaian.

[16 marks]

[16 markah]

CLO2
C2

- (b) Differentiate between benefits and wages

Bezakan antara faedah dan upah

[4 marks]

[4 markah]

QUESTION 4**SOALAN 4**CLO2
C2

- (a) Explain **SIX (6)** rights of innkeeper to refuse service for the customer.

*Terangkan **ENAM (6)** hak pemilik penginapan untuk tidak menyediakan perkhidmatan kepada pelanggan.*

[12 marks]

[12 markah]

- CLO2
C3 (b) An entrepreneur wants to build a hotel that complies with sharia. In general, list down **FOUR (4)** Islamic practices can be applied in the hotel.

*Seorang usahawan ingin membina sebuah hotel yang mematuhi syariah. Secara umum, senaraikan **EMPAT (4)** amalan Islam yang boleh diamalkan di hotel tersebut.*

[4 marks]

[4 markah]

- CLO2
C4 (c) List the ways how Islamic law secure the sanctity of the human's life.
Nyatakan cara- cara Undang-undang Islam menjamin kesucian kehidupan manusia

[4 marks]

[4 markah]

QUESTION 5

SOALAN 5

- CLO2
C2 (a) Explain **SIX (6)** responsibilities of a tourist guide in Part IV Tourism Industry Act 1992.

*Terangkan **ENAM (6)** tanggungjawab seorang pemandu pelancong dalam Akta Industri Pelancongan 1992 Bahagian IV.*

[12 marks]

[12 markah]

- CLO2
C3 (b) Discuss the implication of policies to tourism and hospitality industry.
Bincangkan implikasi dasar-dasar terhadap industri pelancongan dan hospitaliti .

[8 marks]

[8 markah]

QUESTION 6**SOALAN 6**CLO2
C2

- (a) Describe the terminologies of sexual harassment in the workplace as stated below with an example

Huraikan terminologi-terminologi gangguan seksual di tempat kerja seperti di bawah beserta dengan contoh

- i. Sexual Coercion
Paksaan Seksual
- ii. Sexual Annoyance
Kejengkelan Seksual
- iii. Verbal Harassment
Gangguan Lisan
- iv. Visual Harassment
Gangguan Penglihatan
- v. Psychological Harassment
Gangguan Psikologi
- vi. Physical Harassment
Gangguan Fizikal

[12 marks]

[12 markah]

CLO2
C4

- (b) ~~Mr. Adam and Mrs. Ella booked a holiday with the tour operator to one of the Maldives islands for their holiday. They stayed in a hotel which provides them a diving package. Mr. Adam drowned because the regulator connected to the oxygen tank suddenly malfunction during his diving. Mrs. Ella sued the defendant (tour operator).~~

En. Adam dan Pn. Ella menempah percutian dengan seorang pengendali pelancongan di salah satu pulau di Maldives. Mereka tinggal di sebuah hotel yang menyediakan pakej menyelam. En. Adam lemas kerana alat pengawalan yang berhubung dengan tangka oksigen tiba-tiba tidak berfungsi. Pn. Ella menyaman defendant (pengendali pelancongan)

Analyze the situation given in context of liabilities of a tour operator's duty and conclude whether the tour operator is liable or not.

Analisis situasi yang diberikan dalam konteks liabiliti tugas seorang pengendali pelancongan dan buat kesimpulan sama ada pengendali pelancongan tersebut bertanggungjawab atau tidak.

[8 marks]

[8 markah]

SOALAN TAMAT

