

SULIT



**BAHAGIAN PEPERIKSAAN DAN PENILAIAN
JABATAN PENDIDIKAN POLITEKNIK
KEMENTERIAN PENDIDIKAN TINGGI**

JABATAN PERDAGANGAN

PEPERIKSAAN AKHIR

SESI JUN 2017

DPN2023 : INSURANCE LAW

TARIKH : 26 OKTOBER 2017

MASA : 8.30 PAGI - 10.30 PAGI (2 JAM)

Kertas ini mengandungi **SEPULUH (10)** halaman bercetak.

Esei (4 soalan)

Dokumen sokongan yang disertakan : Tiada

JANGAN BUKA KERTAS SOALAN INI SEHINGGA DIARAHKAN

(CLO yang tertera hanya sebagai rujukan)

SULIT

INSTRUCTION:

This section consists of **FOUR (4)** essay questions. Answer **ALL** questions.

ARAHAN :

Bahagian ini mengandungi EMPAT (4) soalan esei. Jawab SEMUA soalan.

QUESTION 1**SOALAN 1**

- (a) i. The sources of Malaysian law can be classified into written law and unwritten law.
List **FIVE (5)** types of written law.

Sumber undang-undang Malaysia terbahagi kepada undang-undang bertulis dan undang-undang tidak bertulis. Senaraikan LIMA (5) jenis undang-undang bertulis.

[5 marks]

[5 markah]

- ii. Draw the hierarchy of various courts in Malaysia.

Lukiskan hierarki Mahkamah di Malaysia.

[5 marks]

[5 markah]

CLO1
C1

CLO1
C1

(b) Define the following terms :

Berikan definisi bagi terma-terma di bawah :

i) Insurable Interest

Kepentingan yang boleh diinsuranskan

[2 marks]

[2 markah]

ii) Indemnity

Indemniti

[2 marks]

[2 markah]

iii) Subrogation.

Subrogasi.

[1 marks]

[1 markah]

CLO1
C2

(c) i) Tuan Ihsan lend RM50,000 to his friend, Seroja for business purposes. He took life insurance policy amounting to RM50,000 in the name of Seroja and nominated himself as the beneficiary upon her death.

Explain whether Tuan Ihsan have an insurable interest in the policy.

*Tuan Ihsan telah memberi pinjaman berjumlah RM50,000 kepada rakannya, Seroja bagi tujuan perniagaan. Beliau telah mengambil polisi insurans berjumlah RM50,000 di atas nama Seroja dan menamakan dirinya sebagai benefisiari atas kematian Seroja.**Jelaskan samada Tuan Ihsan mempunyai kepentingan yang boleh diinsuranskan dalam polisi tersebut.*

[6 marks]

[6 markah]

ii) Explain **TWO (2)** ways on how the duty of utmost good faith may be breach.*Jelaskan DUA (2) cara bagaimana tanggungjawab penuh percaya mutlak boleh dilanggar.*

[4 marks]

[4 markah]

QUESTION 2

SOALAN 2

- (a) i) Define 'consideration' in the law of contract.

Definisikan balasan dalam undang-undang kontrak.

[2 marks]

[2 markah]

- ii) Provide an example of past consideration.

Berikan contoh balasan lampau.

[3 marks]

[3 markah]

- (b) Answer these questions and justify your answer based on Contract Act 1950 and relevant cases.

Jawab soalan-soalan di bawah dan justifikasikan jawapan anda berdasarkan Akta Kontrak 1950 dan kes-kes yang relevan.

- i) Aaron, a 16 years old boy purchases a motorcycle and some books. He rides the motorcycle to college and the books are for his studies. He fails to pay for them. Explain whether the contract binds him.

Aaron yang berusia 16 tahun membeli sebuah motosikal dan beberapa buah buku. Beliau menunggang motosikal ke kolej dan buku-buku digunakan bagi tujuan pengajiannya. Beliau telah gagal untuk membayar harga barang-barang tersebut. Jelaskan samada kontrak tersebut mengikat beliau.

[5 marks]

[5 markah]

- ii) Fattah travels to work daily by car. His neighbour works at a place very near to his office. Fattah ask his neighbour to give him a lift to work and back daily and he agrees to pay his neighbour RM300 a month.

Recognize whether there is any intention to create legal relations.

*Fattah berulang alik ke tempat kerja menggunakan kereta. Jiran beliau bekerja di tempat yang berdekatan dengan tempat kerja beliau . Fattah**meminta jasa baik jirannya untuk menumpang ke tempat kerja setiap hari dan berjanji untuk membayar RM300 sebulan.**Kenalpasti samada wujud niat di sisi undang-undang.*

[5 marks]

[5 markah]

- (c) Interpret FIVE (5) types of remedies available for breach of contract.

Interpretasikan LIMA (5) jenis remedi yang boleh dilaksanakan akibat perlanggaran kontrak.

[10 marks]

[10 markah]

#

CLO1
C1CLO 1
C2CLO 1
C3

QUESTION 3

SOALAN 3

CLO 1
C1

- (a) Define the following terms :
Berikan definisi terma-terma berikut :

- i) Negligence
Kecuaian
- ii) Defamation.
Fitnah.

[5 marks]

[5 markah]

CLO 1
C2

- (b) Trespass consists of trespass to land, trespass to property and trespass to person.
Based on this statement, describe the following :
Penceroohan terdiri daripada pencerogohan tanah, harta dan diri seseorang.
Berdasarkan pernyataan ini, huraikan yang berikut :

- i) Trespass to land.
Penceroohan terhadap tanah.
- ii) Trespass to goods.
Penceroohan terhadap barangan.

[3 marks]

[3 markah]

[3 marks]

[3 markah]

- iii) Differences between assault and battery.
Perbezaan di antara 'assault' dan 'battery'.

[4 marks]

[4 markah]

CLO 1
C3

- (c) Libel and slander are two classes of defamation.
Libel dan slander adalah dua kelas fitnah.

- i) List **THREE (3)** differences between libel and slander.
Senaraikan TIGA (3) perbezaan di antara libel dan slander.

[6 marks]

[6 markah]

- ii) List **FOUR (4)** exceptions for slander non actionable per se.
Senaraikan EMPAT (4) pengecualian untuk 'slander non actionable per se'.

[4 marks]

[4 markah]

QUESTION 4

SOALAN 4

CLO 1
C1

- (a) Agent can be classified according to function and authority. List **FIVE (5)** categories of agent according to function.

Agen boleh dikelaskan berdasarkan fungsi dan kuasa. Senaraikan LIMA (5) kategori agen berdasarkan fungsi.

[5 marks]

[5 markah]

CLO 1
C2

- (b) An agency may be created by ratification. Explain any **FOUR (4)** conditions to form this type of agency. Support your answer with relevant cases.

Agensi boleh diwujudkan secara ratifikasi. Jelaskan mana-mana EMPAT (4) syarat untuk mewujudkan agensi jenis ini. Sokong jawapan anda dengan kes-kes yang sesuai.

[10 marks]

[10 markah]

CLO 1
C3

- (c) Kasih took a motor insurance policy. Her insurance proposal form was filled by the agent of the insurance company. In response to the question whether any history of previous insurance had been declined, it was falsely stated that it had never been done. Later on, an accident took place. The insurer declined their liability on the grounds that the proposal form contained false statements.

Kasih mengambil polisi insurans kereta. Borang cadangan insurans telah diisi oleh agen syarikat insurans. Apabila persoalan samada terdapat sejarah insurans ditolak, sebelum ini, ia telah dinyatakan secara salah bahawa ianya tidak pernah berlaku. Kemudian, berlaku kemalangan. Syarikat insurans menafikan tanggungan atas alasan borang cadangan mengandungi maklumat palsu.

- i) Determine whether the insurer can deny liability on the grounds of false statement.

Tentukan samada syarikat insurans boleh menafikan tanggungan atas alasan maklumat palsu.

[6 marks]

[6 markah]

- ii) Identify the impact of (i) above on the insured.

Kenalpasti kesan (i) di atas terhadap penginsuran.

[4 marks]

[4 markah]

SOALAN TAMAT