

SULIT



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

JABATAN PERDAGANGAN

**PEPERIKSAAN AKHIR
SESI DISEMBER 2016**

DPN2023: INSURANCE LAW

**TARIKH : 1 APRIL 2017
MASA : 8.30AM – 10.30 (2 JAM)**

Kertas ini mengandungi **LAPAN (8)** 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**

CLO1
C1

(a) Describe **FIVE (5)** written sources of Malaysian Law.

Huraikan LIMA (5) sumber undang-undang bertulis di Malaysia.

[10 marks]

[10 markah]

CLO1
C1

(b) Azrail has been diagnosed as a stage one cancer patient. Due to this, he intended to have an insurance coverage. He however did not disclose this fact in his proposal form.

Azrail telah didiagnos sebagai pesakit kanser tahap satu. Oleh kerana itu, dia bercadang untuk mempunyai perlindungan insuran. Dia bagaimanapun tidak mendedahkan fakta tersebut di dalam borang cadangannya.

i. Identify which principle of insurance is being breached.

Kenal pasti apakah prinsip insurans yang telah dilanggar.

[1 mark]

[1 markah]

ii. With reference in (i), list **FOUR (4)** ways on how the principle might be breached.

Dengan merujuk kepada (i), senaraikan EMPAT (4) cara bagaimana prinsip tersebut boleh dilanggar.

[4 marks]

[4 markah]

CLO1
C2

- (c) Explain the principle of insurance which is related to the following statements;
Jelaskan prinsip insuran yang berkaitan dengan pernyataan di bawah;

- i. The person taking the insurance policy must have personal interest in the subject matter of the insurance contract.

Seseorang yang mengambil polisi insurans mesti mempunyai kepentingan peribadi dalam perkara pokok kontrak insurans tersebut.

[3 marks]
[3 markah]

- ii. The insured might claim for any losses due to peril insured against.

Penginsurans boleh menuntut apa-apa kerugian yang disebabkan oleh peril yang diinsuranskan.

[3 marks]
[3 markah]

- iii. The insured will be compensated by insurer based on the loss only and he is not subject to any profit.

Orang yang diinsuranskan akan dibayar pampasan oleh syarikat insurans berdasarkan kerugian sahaja dan dia tidak boleh mendapat keuntungan daripadanya.

[4 marks]
[4 markah]

QUESTION 2
SOALAN 2CLO1
C1

- (a) Describe unenforceable contract.

Terangkan kontrak yang tidak boleh dikuatkuasakan.

[5 marks]
[5 markah]

CLO1
C2

- (b) Jack found Mei's cat wandering in the market. He returned the cat to Mei. Mei agreed to give Jack a reward of RM200.00. She asked Jack to come to her house the next day. When Jack came, Mei gave him RM50 only.

Jack terjumpa kucing Mei berkeliaran di pasar. Dia memulangkan kucing tersebut kepada Mei. Mei bersetuju memberi Jack saguhati sebanyak RM200.00. Dia meminta Jack untuk datang keesokan harinya. Apabila Jack datang, Mei hanya memberi RM50.00 sahaja.

Based on the situation above, answer the following;
Berdasarkan situasi di atas, jawab soalan berikut;

- i. Identify ONE (1) issue.

Kenalpasti SATU (1) isu.

[2 marks]
[2 markah]

- ii. Explain a type of consideration found in the above situation.

Jelaskan satu jenis balasan di dalam situasi di atas.

[4 marks]
[4 markah]

- iii. Discuss whether Jack may claim the balance from Mei. Give reasons for your answer.

Bincangkan sama ada Jack boleh menuntut baki daripada Mei. Beri alasan kepada jawapan anda.

[4 marks]
[4 markah]

(c) Erna called Mia to sell her bicycle for RM700.00. Mia agreed to buy the bicycle for a price of RM500.00 but it was rejected by Erna. Erna then offered to sell the bicycle at RM650.00 and Mia said she needs a few days to think about it. On the next day, Erna sold the bicycle to Chia for RM700.00 and informed Mia regarding the sale.

Erna menelefon Mia untuk menjual basikalnya dengan harga RM700.0. Mia bersetuju untuk membeli dengan harga RM500 tetapi telah ditolak oleh Erna. Erna kemudiannya menawarkan harga RM650.00 untuk basikalnya dan Mia mengatakan dia memerlukan beberapa hari untuk berfikir. Pada esok harinya, Erna menjual basikal tersebut kepada Chia dengan harga RM700.00 dan memberitahu Mia berkaitan jualan tersebut.

CLO1
C3

i) List **TWO (2)** proposals and **ONE (1)** counter proposal that have been made in the above situation.

Senaraikan DUA (2) cadangan dan SATU (1) cadangan balas yang telah dibuat di dalam situasi di atas.

[5 marks]
[5 markah]

CLO1
C3

ii) Mia argued that she has the right to buy the bicycle. Solve the problem by giving legal reasons.

Mia mengatakan dia mempunyai hak untuk membeli basikal tersebut. Selesaikan masalah tersebut dengan memberi alasan perundangan.

[5 marks]
[5 markah]

QUESTION 3

SOALAN 3

CLO1
C1

(a) List **THREE (3)** categories of trespass and its branches.

Senaraikan TIGA (3) kategori pencerobohan dan cabang-cabangnya.

[5 marks]
[5 markah]

CLO1
C2

(b) SHAH ALAM, April 8 — The Sessions Court here has ordered a private hospital doctor to pay RM165,375.81 in damages to a woman due to negligence during a Caesarean section, less than four years ago.

Berita Harian, 8 April 2016

i. Describe the above wrongful tort.

Huraikan kesalahan tort di atas.

[2 marks]
[2 markah]

ii. Explain **FOUR (4)** elements of wrongful tort in (i) with reference to the above news.

Jelaskan EMPAT (4) elemen kesalahan tort di (i) dengan rujukan kepada berita di atas.

[8 marks]
[8 markah]

CLO1
C3

(c) Child abuse is a criminal offence but it can be categorised under wrongful tort as well. Based on this statement, answer the following question:

Penderaan kanak-kanak adalah satu kesalahan jenayah tetapi ia boleh dikategorikan sebagai kesalahan tort juga. Berdasarkan pernyataan ini, jawab soalan berikut:

i. Relate child abuse with the **FOUR (4)** elements of respective wrongful tort.

Kaitkan penderaan kanak-kanak dengan EMPAT (4) elemen kesalahan tort tersebut.

[6 marks]
[6 markah]

ii. Illustrate with a situation on how child abuse may fall under the category of one wrongful tort.

Ilustrasikan dengan situasi bagaimana penderaan kanak-kanak boleh jatuh di bawah kategori kesalahan tort.

[4 marks]
[4 markah]

QUESTION 4

SOALAN 4

CLO1
C1

(a) Define an agency as provided under section 135 Contract Act 1950.

Berikan definisi agensi seperti diperuntukkan di bawah Seksyen 135 Akta Kontrak 1950.

[5 marks]
[5 markah]

CLO1
C2

(b) Describe **FIVE (5)** duties of agent to his principal.

Huraikan LIMA (5) tanggungjawab agen kepada prinsipal.

[10 marks]
[10 markah]

CLO1
C3

(c) Illustrate with a situation on the termination of agency by the following ways ;

Ilustrasikan dengan situasi terhadap penamatan agensi melalui cara-cara berikut;

i. by mutual consent.

melalui persetujuan bersama

[4 marks]
[4 markah]

ii. by revocation.

melalui pembatalan.

[3 marks]
[3 markah]

iii. by completion of agency business.

melalui penyelesaian urusan agensi.

[3 marks]
[3 markah]

SOALAN TAMAT