

SECTION A: 75 MARKS**BAHAGIAN A: 75 MARKAH****INSTRUCTION:**

This section consists of **THREE (3)** structured questions. Answer **ALL** questions.

ARAHAN:

*Bahagian ini mengandungi **TIGA (3)** soalan berstruktur. Jawab **SEMUA** soalan.*

QUESTION 1**SOALAN 1**CLO1
C1

- (a) List **FIVE (5)** importances of law in our daily life.

*Senaraikan **LIMA (5)** kepentingan undang-undang dalam kehidupan kita*

[5 marks]
[5 markah]

CLO1
C2

- (b) Explain the terminologies in Malaysian legal system.

Terangkan terma-terma dalam sistem perundangan Malaysia.

- i) Lacuna

Lacuna

- ii) Civil Law

Undang-undang awam

- iii) Criminal Law

Undang-undang jenayah

- iv) Enactment

Enakmen

- v) Bills

Rang undang-undang

[10 marks]
[10 markah]

CLO1
C2

- (c) Base on Diagram 1, identify the hierarchy of superior and subordinate courts in Malaysia.

Berdasarkan Diagram 1, kenalpasti hierarki mahkamah atas dan bawahan di Malaysia.

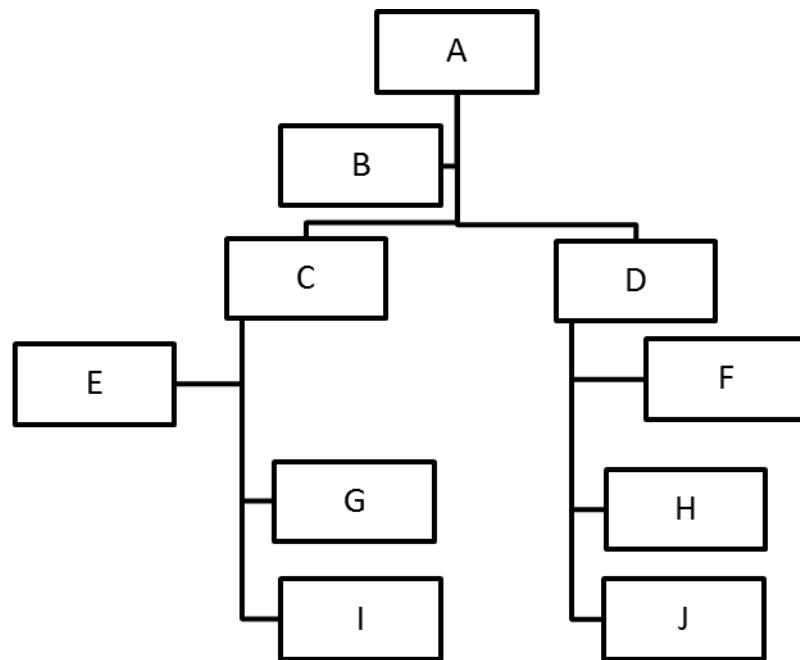


Diagram 1

[10 marks]
[10 markah]

QUESTION 2**SOALAN 2**CLO2
C3**Food Act 1983**

An act to protect the public against health hazard and fraud in the preparation, sale and use of food, and for matters incidental thereto or connected therewith.

[1 October 1985, P.U (B) 446/1985]

AKTA MAKANAN 1983

Suatu Akta bagi melindungi orang ramai terhadap bahayanya dari segi kesihatan dan penipuan pada penyediaan, penjualan dan penggunaan makanan, dan mengenai perkara yang bersampingan atau berkaitan dengannya.

[1 Oktober 1985, P.U (B) 446/1985]

- (a) List **FIVE (5)** components of Food Act 1983.

*Senaraikan **LIMA (5)** komponen bagi Akta Makanan 1983.*

[5 marks]
[5 markah]

CLO2
C3

Food labels can be very confusing and tricky to understand. Often we do not have time to spend trying to understand what they mean and how to use them. Reading labels can help you to make good food choices. Processed and packaged foods and drinks—you'll find them in cans, boxes, bottles, jars, and bags

Label makanan boleh menjadi sangat mengelirukan dan sukar difahami. Sering kali kita tidak mempunyai masa untuk memahami apa yang dimaksudkan dan cara menggunakan. Membaca label boleh membantu anda membuat pilihan makanan yang baik. Makanan dan minuman yang diproses dan dibungkus-anda akan dapat mereka dalam tin, kotak, botol, balang, dan beg.

- (b) Relate **FIVE (5)** functions of food labeling in preventing consumer from harmful food.

*Kaitkan **LIMA (5)** fungsi perlabelan pada makanan bagi mengelakakkan pengguna menggunakan makanan berbahaya.*

[10 marks]
[10 markah]

CLO2
C4

Section 13B- Adulterated food is a food product that fails to meet federal or state standards. A person who contravenes any of the provisions of this section commits an offence and shall be liable, on conviction, to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Section 13-B Makana yang diubah adalah produk makanan yang gagal memenuhi piawaian persekutuan atau negeri. Seseorang yang melanggar mana-mana peruntukan seksyen ini melakukan suatu kesalahan dan boleh, apabila disabitkan, didenda tidak melebihi dua puluh ribu ringgit atau dipenjarakan selama tempoh tidak melebihi lima tahun atau kedua-duanya.

- (c) Determine **FIVE (5)** characteristics of food that can be categorized as adulterated food.

*Tentukan **LIMA (5)** ciri-ciri makanan yang dikategorikan sebagai makanan yang diubah.*

[10 marks]
[10 markah]

QUESTION 3***SOALAN 3***CLO3
C1

Minor offence is a technical offence which warnings can be given by the Inspection Officer for corrective action

Kesalahan kecil adalah kesalahan teknikal yang boleh diberi amaran oleh Pegawai Pemeriksa untuk tindakan pembetulan

- (a) List **FIVE (5)** examples of minor offence according to Trade Descriptions (Definition of Halal) Order 2011.

*Senaraikan **LIMA (5)** contoh kesalahan kecil berdasarkan kepada Akta Keterangan Perdagangan (Definisi Halal) Arahan 2011.*

[5 marks]
[5 markah]

CLO3
C2

Example Case: Cadbury

World Continuity Congress
07 October 2015
Perak Congress
Lembang

- **23 May 2014**
 - Cadbury chocolates analysed by the Ministry of Health tested positive for traces of porcine DNA.
 - Cadbury Dairy Milk Hazelnut 175g
 - Cadbury Dairy Milk Roast Almond 175g
- **24 May 2014**
 - Voluntary nationwide recall of the affected batches.
 - without actual laboratory test results for verification.
- **26 May 2014**
 - JAKIM's monitoring and halal enforcement team collected samples at the factory.
- **2 June 2014**
 - JAKIM verified that test results for both affected batches are halal.



- (b) Picture shown is an example case for product that had been detected contains non halal ingredients.

Explain **FIVE (5)** process of legal act in halal compliance.

Gambar yang ditunjukkan adalah contoh kes untuk produk yang dikesan mengandungi bahan tidak halal.

*Terangkan **LIMA (5)** proses tindakan undang-undang dalam pematuhan halal.*

[10 marks]
[10 markah]

CLO3
C3

(c)

All Malaysia Halal Certificate holders or anyone who use any halal statement/ label/ logo are subject to monitoring and enforcement.

Semua pemegang Sijil Halal Malaysia atau sesiapa yang menggunakan sebarang kenyataan / label / logo halal tertakluk kepada pemantauan dan penguatkuasaan.

- (i) List the importance of inspection for a restaurant that has been certified halal.

Senaraikan kepentingan pemeriksaan perlu dibuat kepada restoran yang telah mendapat persijilan halal.

[2 marks]
[2 markah]

- (ii) There are **FOUR (4)** types of inspection for monitoring and enforcement regarding halal compliance. Discuss each of them.

*Terdapat **EMPAT (4)** jenis pemeriksaan untuk pematuhan penguatkuasaan pematuhan halal. Bincangkan setiap jenis pemeriksaan tersebut.*

[8 marks]
[8 markah]

SECTION B: 25 MARKS**BAHAGIAN B: 25 MARKAH****INSTRUCTION:**

This section consists of **TWO (2)** structured questions. Answer **ONE (1)** question only.

ARAHAN:

Bahagian ini mengandungi DUA (2) soalan berstruktur. Jawab SATU (1) soalan sahaja.

QUESTION 1**SOALAN 1**CLO2
C4

Fatwa is very important in Islamic law and Islamic jurisdiction. Fatwa is an opinion of Islamic scholar about a specific issue.
Fatwa sangat penting dalam undang-undang Islam dan bidang kuasa Islam.
Fatwa adalah pendapat ulama Islam mengenai sesuatu isu.

- (a) Explain **FIVE (5)** functions or roles of Fatwa in our life.

Terangkan LIMA (5) fungsi atau peranan Fatwa dalam kehidupan kita.

[10 marks]
[10 markah]

CLO3
C3

Local Government Act 1976 is expedient for the purpose only for ensuring uniformity of law and policy to make a law with respect to local government. It shall apply to only Peninsular Malaysia

Akta Kerajaan Tempatan 1976 adalah semestinya bertujuan untuk memastikan keseragaman undang-undang dan dasar untuk membuat undang-undang berkenaan dengan kerajaan tempatan. Ia terpakai hanya untuk Semenanjung Malaysia

- (b) List **FIVE (5)** functions of local government according to Local Government Act 1976.

*Berikan **LIMA (5)** fungsi kerajaan tempatan berdasarkan kepada Akta Kerajaan Tempatan 1976.*

[10 marks]
[10 markah]

CLO3
C3

- (c)

The challenge of implementing Halal in Malaysia was the objective of the government to establish Malaysia as the International Center of Halal to foster the development of Halal products and service. However, there are barrier for the Halal food industry to develop.

Cabaran pelaksanaan Halal di Malaysia adalah matlamat kerajaan untuk menubuhkan Malaysia sebagai Pusat Halal Antarabangsa untuk memupuk pembangunan produk dan perkhidmatan Halal. Walau bagaimanapun, terdapat pelbagai halangan bagi industri makanan Halal untuk berkembang.

List **FIVE (5)** current problems in halal food industry.

*Senaraikan **LIMA (5)** masalah dalam industri pemakanan halal.*

[5 marks]
[5 markah]

QUESTION 2**SOALAN 2**CLO2
C4

(a)

Fatwa Committee proposed that shisha or water pipe smoking is *haram* (forbidden) for Muslims, the Fatwa (Edicts) Committee of the National Council for Islamic Affairs declared.

Jawatankuasa Fatwa mengemukakan pendapatnya bahawa shisha atau rokok paip air adalah haram (dilarang) bagi orang Islam, diisyiharkan oleh Jawatankuasa Fatwa (Edicts) Majlis Kebangsaan, Hal Ehwal Islam

- i) Based on the statement above, identify the responsible committees who have involved for fatwa issuance.

Berdasarkan penyataan di atas, senaraikan ahli jawatankuasa yang bertanggungjawab dalam mengeluarkan fatwa.

[5 marks]
[5 markah]

- ii) Identify **FIVE (5)** case examples in Malaysia that lead to Fatwa issuance.

*Kenalpasti **LIMA (5)** contoh kes di Malaysia yang membawa kepada pengeluaran Fatwa.*

[5 marks]
[5 markah]

CLO3
C3**Trademark Matters: A Case of Chocolate Chip Cookies**

MARCH 8, 2011

Danone Biscuits Manufacturing (M) Sdn Bhd V. Hwa Tai Industries Bhd

FOOD manufacturers would stand to gain from paying close attention to a recent High Court decision on a case involving claims of trademark infringement and passing off. On 29 October 1990, Danone Biscuits Manufacturing (M) Sdn Bhd (“the Plaintiff”) applied to register their “ChipsMore” trademark in Malaysia, for, amongst others, chocolate chip cookies. The trademark was registered and renewed up to 20 October 2007.

In early April 2001, the Plaintiff discovered that the Defendant, Hwa Tai Industries Bhd, had been manufacturing and selling chocolate chip cookies bearing the trademark “Chipsplus”. The Plaintiff subsequently requested that the Defendant cease the manufacture and sale of cookies bearing this trademark, on the basis that the trademark, as well as get-up and packaging of the product, were confusingly similar to their registered “ChipsMore” mark. However, the Defendant refused to do so, and as such, the Plaintiff sued the Defendant for trademark infringement.

Pengeluar makanan memberi perhatian kepada keputusan Mahkamah Tinggi baru-baru ini mengenai kes yang melibatkan tuntutan pelanggaran cap dagangan. Pada 29 Oktober 1990, Danone Biskuit Manufacturing (M) Sdn Bhd ("Plaintif") memohon untuk mendaftarkan cap dagang "ChipsMore" mereka di Malaysia, bagi biskut cip coklat. Tanda dagangan itu telah didaftarkan dan diperbaharui sehingga 20 Oktober 2007.

Pada awal April 2001, Plaintiff mendapati bahawa Defendan, Hwa Tai Industries Bhd, telah membuat dan menjual biskut cip coklat dengan jenama "Chipsplus". Plaintiff kemudiannya memohon agar Defendan menghentikan pengilangan dan penjualan biskut yang mengandungi cap dagangan ini, berdasarkan tanda dagangan, serta pembungkusan dan pembungkusan produk itu, sama sekali mirip dengan tanda "ChipsMore" mereka yang berdaftar. Walau bagaimanapun, Defendan enggan berbuat demikian, dan oleh itu, Plaintiff menggugat Defendan untuk pelanggaran cap dagangan.

- (b) Based on above case, list **FIVE (5)** functions of trademark.

*Berdasarkan kes diatas, senaraikan **LIMA (5)** fungsi tanda niaga.*

[10 marks]
[10 markah]

CLO3
C3

Two Seremban eateries found abusing halal logo

SEREMBAN: Two eateries in Jalan Pajam-Mantin were found to have misused the Islamic Development Department (Jakim) Halal logo during checks by the Domestic trade, Cooperatives and Consumerism Ministry today.

The ministry's state director, Ain Arjuna Aziz Zaman, said the enforcement officers who conducted an operation in the area between 11am and 1.30pm together with state Islamic Affairs Department found that the eateries displayed the logo despite not being authorised by Jakim.

"We have taken down the Halal logo displayed at the two premises to prevent confusion among customers," he said in a statement.

"In this regard, traders are reminded not to exhibit the Halal logo or certificates without Jakim's consent or they must face the punishment," he said.

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SEREMBAN: Dua restoran di Jalan Pajam-Mantin didapati telah menyalahgunakan logo Halal Jabatan Kemajuan Islam (Jakim) semasa pemeriksaan oleh Kementerian Perdagangan Dalam Negeri, Koperasi dan Kepenggunaan hari ini.

Pengarah urusan kementerian, Ain Arjuna Aziz Zaman, berkata pegawai penguatkuasa yang menjalankan operasi di kawasan itu antara jam 11 pagi dan 1.30 petang bersama Jabatan Hal Ehwal Agama Islam Negeri mendapati restoran-restoran tersebut memaparkan logo walaupun tidak diberi kuasa oleh Jakim.

"Kami telah menurunkan logo Halal yang dipaparkan di dua premis itu untuk mengelakkan kekeliruan di kalangan pelanggan," katanya dalam satu kenyataan.

"Sehubungan itu, peniaga diingatkan supaya tidak mempamerkan logo atau sijil Halal tanpa kebenaran Jakim atau mereka menghadapi hukuman," katanya.

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- (c) Based on above article, relate that case whether the Domestic Trade, Cooperatives and Consumerism Ministry can take legal actions to the food premise or not and state the fine if convicted.

Berdasarkan artikel di atas, kaitkan sama ada Kementerian Perdagangan Dalam Negeri, Koperasi dan Kepenggunaan boleh atau tidak mengambil tindakan undang-undang kepada premis makanan tersebut dan nyatakan denda jika sabit kesalahan.

[5 marks]
[5 markah]

SOALAN TAMAT