



جامعة السلطان الشريف علي الإسلامية
UNIVERSITI ISLAM SULTAN SHARIF ALI
SULTAN SHARIF ALI ISLAMIC UNIVERSITY

Faculty of Shariah and Law
Semester I, 2016/2017 Academic Session
Examination Question Paper

Course Code : LB 1301
Course Name : Constitutional and Administrative Law I
**Course Level : Bachelor of Laws (LL.B) & Bachelor of
Shariah Law (BSL)**
Time : 3 hours

Notes:

Answer any **four** of the following questions.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

QUESTION 1 (15 Marks)

“The aim of separation of powers is to achieve a system of check and balance between the three main branches of government”.

Based on the above statement, discuss whether this aim has been achieved between the legislature and the executive branches of government in Malaysia or U.K.

(15 marks)

QUESTION 2 (15 Marks)

The Rule of Law is no more than the notion that the “administration does not enjoy any power outside the law. Administration does not have inherent powers of its own so as to affect by its own fiat or degree any individual right”. (Prof. M.P Jain)

Do you agree with the above formulation of the Rule of Law? Give reasons for your answer.

(15 marks)

QUESTION 3 (15 Marks)

a) To what extent does the convention of ministerial responsibility ensure the accountability of government Ministers to Parliament in UK?

(7 marks)

b) What do you mean by Sovereignty as legal concept? Critically discuss with example of UK, US, Malaysia and Brunei.

(8 marks)

QUESTION 4 (15 Marks)

The doctrine of supremacy of Parliament does not apply in Malaysia because Malaysia has a written constitution but how you define the applicability of this doctrine in British Constitution. Discuss

(15 marks)

QUESTION 5 (15 Marks)

Discuss the development of the Constitution in Brunei Darussalam with special reference to the following:

- The Britain-Brunei Protectorate agreement
- The British Residential System
- The Constitution of Brunei Darussalam September 1959 and subsequent amendments.

(15 marks)

QUESTION 6 (15 Marks)

a) What is your understanding of 'Constitution of a State'? What types of Constitutions may exist? Write brief note with examples.

(7 marks)

b) Write short notes on any **two** of the following:

- Custom
- Brunei Islamic Religious Council
- Legislative Council under Brunei Constitution
- Subsidiary Legislation

(8 marks)

بالتوفيق والنجاح