



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

**Faculty of Shariah and Law  
Semester I, 2020/2021 Academic Session**

**Final Examination  
Question Paper**

**Course Code : LB1301**  
**Course Name : Constitutional and Administrative Law I**  
**Course Level : Bachelor's Degree**  
**Time : 3 hours**

**Instructions:**

Answer any **four (4)** of the following questions.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

**QUESTION 1 (15 Marks)**

- (a) Do the UK and the US have Bill of Rights? Explain. (5 Marks)
- (b) Discuss the classification of constitutions according to Prof Wheare and Lord Bryce and give examples. (5 Marks)
- (c) Explain the organs of the state and its functions and give **one (1)** example of a Constitution where these organs are stated. (5 Marks)

**QUESTION 2 (15 Marks)**

- a) Discuss the case of *Donoghue v Stevenson* [1932] AC 562 and explain the principle that can be extracted from this case. (6 Marks)
- a) Discuss the case of *Mamat bin Daud & Ors v Government of Malaysia* [1988] 1 MLJ 119 and explain **three (3)** important principles that can be extracted from this case. (9 Marks)

**QUESTION 3 (15 Marks)**

- a) “Constitutionalism is a concept under public law that recognizes both the necessity of government & the freedom of individual.”

Explain the above statement and discuss the importance of constitutionalism and its essential features.

(7 Marks)

- b) Briefly explain the history of the Brunei Constitution 1959 and state **five (5)** provisions in the Brunei Constitution 1959.

(8 Marks)

**QUESTION 4 (15 Marks)**

- a) Discuss the differences and importance of sources and constitutional principles in the context of the British Constitution. (4 Marks)
- b) Discuss the meaning of the term 'convention' of the constitution and give three (3) classifications of conventions with examples. (5 Marks)
- c) Explain why conventions are observed but have not all been enacted into laws in the British Constitution. (6 Marks)

**QUESTION 5 (15 Marks)**

“The idea of the “Rule of Law” was not invented by AV Dicey, but he popularized it in the late 19<sup>th</sup> century.”

Discuss the above statement and explain AV Dicey's concept of the Rule of Law, as well as the dynamism of rule of law in today's broader concept.

بالتوفيق والنجاح