



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

**Faculty of Shariah and Law  
Semester II, 2021/2022 Academic Session**

**Final Examination Question Paper**

**Course Code : LB1302**

**Course Name : Constitutional and Administrative  
Law II**

**Course Level : Bachelor's Degree**

**Time : 3 hours**

**Notes:**

1. Answer any **four** of the following questions.
2. All answers, wherever relevant, must be supported by statutory provisions and case law.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

**QUESTION 1 (15 Marks)**

- a. Define Administrative Law and discuss its importance, scope and historical background in Brunei Darussalam. (8 Marks)
- b. Discuss the similarities and differences between administrative law and constitutional law and do you think. (7 Marks)

**QUESTION 2 (15 Marks)**

- a. The expression 'administrative powers' is being used in the sense of denoting those powers which are neither 'legislative' nor 'adjudicatory' (or judicial). Under 'legislative' power, the administration lays down a general rule of conduct or policy to be followed in the generality of the cases. In contrast, under 'adjudicatory' (or judicial) or 'administrative' power, the administration proceeds from case to case and decides in each specific matter which comes before it.

In view of the above statement, discuss in details the meaning of administrative powers, the basic ingredients of administrative powers, and what makes it distinct from judicial powers. (15 Marks)

**QUESTION 3 (15 Marks)**

- a. Rule of law is the hallmark of administrative law. Can you explain the theory of rule of law as advanced by Dicey, its critics and modern concepts? (8 Marks)
- b. What do you understand by the concept of "separation of powers" and how is it practiced in Brunei Darussalam? (7 Marks)

**QUESTION 4 (15 Marks)**

In modern times, courts have lost their monopoly of the adjudicatory functions and have come to share it with administrative bodies including tribunals. In light of this development, answer the following questions:

- a. what do you know about the growth of administrative tribunals? (5 Marks)
- b. What are the differences between administrative tribunals and public inquiries? (5 Marks)
- c. What is the purpose of holding public inquiries? (5 Marks)

**QUESTION 5 (15 Marks)**

- a. What is delegated legislation? (5 Marks)
- b. Law making power delegated by a legislature to administrative authorities is exposed to abuse. Can you suggest different forms of control to arrest such likely abuse? (10 Marks)

**QUESTION 6 (15 Marks)**

- a. What is the principle of natural justice and elaborate on the Latin maxim, "Audi Alturam Partem". (7 Marks)
- b. Why the need for judicial control of administrative action? (8 Marks)

بالتوفيق والنجاح