



**BERJAYA SCHOOL OF COMMUNICATION AND MEDIA ARTS**

**FACULTY OF LIBERAL ARTS**

**FINAL EXAMINATION**

Student ID (in Figures) : 

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Student ID (in Words) : \_\_\_\_\_

Course Code & Name : **COM2304 Communication Law**  
 Trimester & Year : May – August 2022  
 Lecturer/Examiner : Ms Amalina Mustaffa  
 Duration : 3 Hours

**INSTRUCTIONS TO CANDIDATES**

1. This question paper consists of:  
 Part A: 60 marks : SIX (6) structured questions. Answer ALL questions.  
 Part B : 40 marks : THREE (3) Essay questions. Answer only TWO (2) questions.
2. Candidates are not allowed to bring any unauthorized materials except writing equipment into the Examination Hall. Electronic dictionaries are strictly prohibited.
3. This question paper must be submitted along with all used and/or unused rough papers and/or graph paper (if any). Candidates are NOT allowed to take any examination materials out of the examination hall.
4. Only ballpoint pens are allowed to be used in answering the questions, with the exception of multiple choice questions, where 2B pencils are to be used.

**WARNING:** The University Examination Board (UEB) of BERJAYA University College regards cheating as a most serious offence and will not hesitate to mete out the appropriate punitive actions according to the severity of the offence committed, and in accordance with the clauses stipulated in the Students’ Handbook, up to and including expulsion from BERJAYA University College.

**Total Number of pages = 3 (Including the cover page)**

**PART A : SIX (6) STRUCTURED QUESTIONS**

**(60 MARKS)**

**INSTRUCTION(S) : ANSWER ALL QUESTIONS**

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**Question 1**

- (a) (a) Identify **FIVE (5)** types of security offences provided under the Security Offences (Special Measures) Act 2012 (SOSMA) and;  
(b) Explain **TWO (2)** special authorities given to police officers under SOSMA. (7 marks)

**Question 2**

Discuss **FOUR (4)** implications of media law on society and media practitioners. (8 marks)

**Question 3**

Explain (a) the types of information classified under section 2 of the Official Secrets Act (OSA) 1972, and (b) how a journalist is said to have committed an offence under section 8(1) of OSA 1972. (9 marks)

**Question 4**

Identify **ONE (1)** suitable defence for each situation given below and provide a situation where the defence may suitable to be applied. (12 marks)

i. John was sued by James for making a defamatory statement against him. However, John could prove to the court that the statement was true.

ii. A person wrote a statement about how a school head master had been seen gambling for 4 nights a week for the past 3 months and the school head master had failed to turn up for school visits, indicating that he was an immoral and dishonest person.

**Question 5**

As any other copyright acts in the world, The Malaysian Copyright Act 1987 recognizes only works which fulfill the pre-requisite elements under the Act before a copyright protection can be given to the work.

- (a) Explain what are the **FOUR (4)** pre-requisite elements mentioned above.  
(b) Explain the four areas of protection provided by the copyright law to the author/creator of the work. (12 marks)

**Question 6**

According to Section 2 and 3 of the Sedition Act 1948, any act, speech, words or publication are seditious if they have the tendency to rile people up or to inspire and encourage specific behaviour. Identify **SIX (6)** ways how it can be done and provide **TWO (2)** decided cases in the explanation. (12 marks)

**END OF PART A**

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**PART B : THREE (3) ESSAY QUESTIONS**

**(40 MARKS)**

**INSTRUCTION(S) : ANSWER ONLY (2) QUESTIONS**

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**Question 1**

- a) Analyze the meaning of obscene content in Malaysia and the **THREE (3)** areas of test used in determining the category of obscene content.
- (b) Summarize **ONE (1)** decided case related to obscene content in Malaysia.

(20 marks)

**Question 2**

In the case of **Ayob bin Saud v TS Sambanthanmurthi**, Mohamed Dzaidin J, while deciding this case said:

*“In our law on libel, which is governed by the Defamation Act 1957, the burden of proof lies on the plaintiff to show **(1)**..... **(2)**.....**(3)**.....*

*Where the defence of qualified privileged is set up, as in the present case, the burden lies on the defendant to prove that he made the statement honestly, and without any indirect or improper motive...”*

Analyze **(1), (2), (3)** mentioned by the Judge and support the analysis with **TWO (2)** decided cases. Cases can be included in any parts of your explanation. (20 marks)

**Question 3**

- (a) Explain the **THREE (3)** grounds as to why the plaintiff had sued the defendant in the case of Sherinna Nur Elena bt Abdullah v Kent Well Edar Sdn Bhd.
- (b) Discuss **FOUR (4)** grounds why the Court dismissed her claim against the defendant for the use of her image without her consent.
- (c) Do you agree with the decision of the Court? State **THREE (3)** points in your argument.

(20 marks)

**END OF EXAM**