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UNIVERSITI SAINS MALAYSIA

Second Semester Examination  
Academic Session 2012/2013

June 2013

**RMK 354 – Construction Law**  
**(Undang-Undang Binaan)**

Duration: 3 hours  
(Masa: 3 jam)

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Please check that this examination paper consists of THREE pages of printed material before you begin the examination.

*Sila pastikan bahawa kertas peperiksaan ini mengandungi TIGA muka surat yang tercetak sebelum anda memulakan peperiksaan ini.*

Students are allowed to answer all questions in English OR in Bahasa Malaysia.

*Pelajar dibenarkan menjawab semua soalan dalam Bahasa Inggeris ATAU Bahasa Malaysia.*

Answer **FOUR** questions only.

*Jawab **EMPAT** soalan sahaja.*

In the event of any discrepancies, the English version shall be used.

*[Sekiranya terdapat sebarang percanggahan pada soalan peperiksaan, versi Bahasa Inggeris hendaklah diguna pakai].*

1. Discuss matters relating to alternative dispute resolution (ADR) applicable in construction industry, and its advantages and disadvantages.

*Bincangkan perkara berkaitan penyelesaian pertikaian alternatif (PPA) yang terpakai dalam industri pembinaan, dan kebaikan/kelebihan serta keburukan/kelemahannya.*

*(25 marks/markah)*

2. From legal perspective, discuss **ANY ONE** of the following aspects:

*Daripada perpektif undang-undang, bincangkan **MANA-MANA SATU** daripada aspek berikut:*

(a) Performance bond / *Bon pelaksanaan*

*Or/ Atau*

(b) Advanced payment bond / *Bon wang pendahuluan.*

*(25 marks/markah)*

3. From legal perspective, discuss on matters relating to “variations” and its effects to the parties, works, payment, and period of performance of works.

*Mengikut perspektif undang-undang, bincangkan perkara-perkara tentang “perubahan” dan kesannya kepada pihak-pihak, kerja, pembayaran dan tempoh pelaksanaan kerja.*

*(25 marks/markah)*

4. With reference to Malaysia Standard Form of Contract, discuss about “payments” and how it can be deducted from the Contractor by the Client/Employer.

*Merujuk kepada Kontrak Binaan Standard di Malaysia, bincangkan mengenai “bayaran” dan kaedah bagaimana “bayaran” kepada Kontraktor boleh dipotong oleh Klien/Majikan.*

*(25 marks/markah)*

5. (a) What is Statutory Insurance?  
*Apakah "Insurans Statutori"?*  
(5 marks/markah)
- (b) Discuss its (Statutory Insurance) application within Malaysia Construction industry.  
*Bincangkan penggunaan "Insurans Statutori" dalam industri binaan di Malaysia.*  
(20 marks/markah)
6. Discuss the relationship between client-contractor-consultant, with reference to.  
*Bincangkan hubungan antara klien-kontraktor-konsultan, dengan merujuk kepada.*
- (a) Standard Form of Contract in Malaysia/*Kontrak Binaan Standard di Malaysia*  
  
*and / dan*
- (b) Law of Tort's Perspective / *Perspektif Perundangan Tort*  
  
(25 marks/markah)