

FINAL
Examination Paper

(COVER PAGE)

Session : August 2019

Programme : Diploma In Mass Communication (DMCN)

Course : COM1104: Media Law And Ethics

Date of Examination : 14 December, 2019 (Saturday)

Time : 11.00am – 1.00pm Reading Time : Nil

Duration : 2 Hours

Special Instructions :

SECTION A: Answer any **FIFTEEN (15)** terms

SECTION B: Answer any **THREE (3)** short answer questions

SECTION C: Answer any **TWO (2)** essay questions

Materials permitted : Nil

Materials provided : Nil

Examiner(s) : Siti Baqiratul Zahraa Binti Mohd Rahim and
Zakiah Abul Khassim

Moderator : Dr Tan Seng Teck

This paper consists of 5 printed pages, including the cover page

DIPLOMA IN MASS COMMUNICATION PROGRAMME (DMCN)
COM1104: MEDIA LAW AND ETHICS
FINAL EXAMINATION: AUGUST 2019 SESSION

Section A: 30 marks

Instructions: Defining Terms. This Section contains **TWENTY (20)** TERMS. Define **FIFTEEN (15)** terms out of the **TWENTY (20)**. All questions carry equal marks of 2 marks each.

1. Freedom of Information
2. Criminal Law
3. Accused
4. Beyond Reasonable Doubt
5. Altschull's Second Law of Journalism
6. Civic Group
7. Communication and Multimedia and Content Forum Malaysia
8. New Media
9. Burden of Proof
10. Prima Facie
11. Ultra Vires
12. Classification of Law
13. False Imprisonment
14. Anton Piller Order
15. Literary works
16. Democracy
17. Territorial Privacy
18. Supremacy of Constitution
19. Trademark
20. Acquittal

Section B: (30 marks)

Instructions: Answer any **THREE (3) out of FIVE (5)** short answer questions. All questions carry equal 10 marks each.

Question 1

Explain briefly the written sources of Malaysian Law.

(10 marks)

Question 2

Discuss Section 292 of the Penal Code and its application by reference to **ONE (1)** relevant case law

(10 marks)

Question 3

Explain Section 9 (1) & (5) of the Peaceful Assembly Act 2012 and **ONE (1)** case law and its impact to freedom of association in Malaysia.

(10 marks)

Question 4

Discuss with relevance to statutory provision and case law(s), the eligibility of copyright protection in Malaysia pursuant to the Copyright Act 1987.

(10 marks)

Question 5

With reference to MCMC Content Code, explain Clause 4 and 7 pertaining to advertising code of conduct in general

(10 marks)

Section C: (40 marks)

Instructions: Answers any **TWO (2)** Questions out of **THREE (3)** essay question. All question carry equal marks of 20 marks each

Question 1

Family wants justice for Penang Bridge crash victim

SEBERANG JAYA: The family of Moey Yun Peng, 20, the college student who was killed after his sports utility vehicle plunged into the sea from the Penang Bridge following an accident on Sunday, wants the authorities to conduct a thorough probe so that justice is served.

His elder brother, who only wanted to be known as Dennis, said the family accepted what had happened and hoped the authorities would leave no stone unturned so that justice is done for Yun Peng.

“We leave it to the police and hope we can be given privacy to mourn our loss,” he told reporters after arriving at the Seberang Jaya Hospital’s Forensics Department here tonight to claim Yun Peng’s body.

(news excerpt retrieved from <https://www.theborneopost.com/2019/01/23/family-wants-justice-for-penang-bridge-crash-victim/>)

Based on the abovementioned excerpt, discuss critically with reference to case laws whether an action of invasion of privacy is actionable in Malaysia and explain how media can justify publishing a private information by raising public interest as defense.

(20 marks)

Question 2

On 5 July 2019, the Court of Appeal in Putrajaya rejected Fahmi Reza's appeal against his conviction under the Communications and Multimedia Act 1998 for posting an illustration of the former Prime Minister Najib Razak as a clown on his Facebook account on 8 February 2016. The Court of Appeals rejected his appeal after a panel of three judges led by Justice Datuk Kamardin Hashim unanimously ruled that there was no merit in his appeal.

On 20 February 2018, Fahmi Reza was sentenced to one month's imprisonment and fined RM30,000 by the Sessions Court in Ipoh for posting an edited image of the prime minister on social media.

(news excerpt retrieved from <https://www.frontlinedefenders.org/en/case/fahmi-reza-sentenced-prison-and-fined>)

Explain the application of Section 233(1) and (3) of the Communication Multimedia Act 1988 with supporting **THREE (3)** case laws.

(20 marks)

Question 3

Bakar who is an editor and a well-known journalist from 'Top Newspaper' wrote an article about Ms A. In the article, it was stated that Ms A is a horrible actress and secured her roles in films and television due to her connection with well-known filmmakers and producers. Bakar also posted photos of Ms A and Filmmaker C vacationing in Cannes.

Based on the above hypothetical legal scenario, advice Ms A on the elements needed to sue for defamation based on relevant case laws and advice what are the possible defence available for Bakar under the Defamation Act 1957.

(20 marks)

-THE END-

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