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| TRƯỜNG ĐẠI HỌC VĂN LANG | | **ĐỀ THI, ĐÁP ÁN KẾT THÚC HỌC PHẦN** | | | | | | |
| **KHOA LUẬT** | | | | Học kỳ: | **211** | Năm học: | **2021 - 2022** |
| Mã học phần: DTA0100 | Tên học phần: Anh văn pháp lý | | | |
| Mã nhóm lớp HP: | 211\_DTA0100\_01,  211\_DTA0100\_02 | |
| Thời gian làm bài: | 75.(phút) | | | | | | | |
| Hình thức thi: | **Trắc nghiệm kết hợp tự luận** | | | | | | | |

**PHẦN TRẮC NGHIỆM (7.5 điểm)**

**WTO is a term, which stand for:**

**A**. The World Trade Organization

**B.** The World Trading Organization

**C**. The Worldwide Trade Organization and The United Nation

**D**. The Worldwide Trading Organization

ANSWER: A

**.…………..is known as a party that has signed an international agreement**

**A**. Signatory to a convention

**B**. Member states

**C**. Membership

**D**. Partner

ANSWER: A

**Bankruptcy is when someone is unable to pay what they…………………., and all their property is surrendered to a court-appointed person who liquidates the property to pay the claims of …………………**

**A**. Owe/creditors

**B**. Owe/debtors

**C**. Own/debtors

**D**. Own/creditors

ANSWER: A

**What kind of business entity is managed by an individual who is personally liable for all debts, tax treatment and financial obligations with its own name?**

**A**. A sole proprietorship

**B**. A corporation

**C**. A partnership

**D**. A limited liability company

ANSWER: A

**.……………….is a common term for many diverse areas of the law regulating trade and commerce.**

**A**. Commercial law

B**.** Criminal law

**C**. Taxation law

**D**. Tort law

ANSWER: A

**………………. comprises of advising clients and drafting contracts.**

**A**. Non-contentious work

**B**. Contentious work

**C**. Paper work

**D**. Legal work

ANSWER: A

**Since you have failed to complete your liabilities under a contract, you have obviously………………the contract.**

**A**. Breached

**B**. Assigned

**C**. Denied

**D**. Terminated

ANSWER: A

**Which area of law is related to the establishment and** management **of business entities?**

**A**. Company law

**B**. Commercial law

**C**. Competition law

**D**. Comparative law

ANSWER: A

Which of law **is related to differences and similarities between national jurisdictions, three of which are common-law, religious and** civil law system?

A. Comparative law

B. Real property law

C. Company law

D. Commercial law

ANSWER: A

**When someone is……………………, they must receive a monetary punishment for breaking a law.**

**A**. Fined

**B**. Sentenced to execution

**C**. Sentenced to imprisonment

**D**. Put on parole

ANSWER: A

**Signatories between two countries have concluded a……………….. agreement on different situations such as trade, criminal and so forth.**

**A**. Bilateral

**B**. Illegal

**C**. Plurilateral

**D**. Multilateral

ANSWER: A

**Which kind of law system is primarily based on declarations of broad, statues and general principles?**

A. Civil law

B. Common law

C. Religious law

D. Hybrid law

ANSWER: A

**An ………….is a person who is conferred…………part or all of a decreased person's estate.**

**A**. heir/inherit

**B**. heir/receive

**C**. succession/receive

**D**. succession/inherit

ANSWER: A

**A………………. organisation is a legally constituted organisation created by private persons or organisations with no participation or representation of any government.**

**A**. Government

**B**. Governmental

**C**. Non-government

**D**. Non-governmental

ANSWER: A

**..………is known as the supreme law, covering the general principles of federal constitutional law**

**A**. Constitution

**B**. Civil Code

**C**. Penal Code

**D**. Administrative law

ANSWER: A

**If the offer and acceptance do not match each other, then the law says that the second party has made a** ………….

A. Counteroffer

B. Consideration

C. Acceptance

D. Legal consent

ANSWER: A

**Where are large areas of law mainly created and shaped by court decisions?**

**A**. In common law system

**B**. In civil law system

**C**. In hybrid law system

**D**. In religious law system

ANSWER: A

**.……….. exist to make society safer and to keep people from committing certain acts. …………. exist to make the injured party whole again for the harm which is was caused by the wrongdoers**

**A.** Criminal sanctions/ Tort remedies

**B**. Tort remedies/ Criminal sanctions

**C**. Criminal remedies/ Tort sanctions

**D**. Tort sanctions/ Criminal remedies

ANSWER: A

**…………. is determined as an amount of money which the breaching party to compensate for to the aggrieved party**

A. Damages

B. Specific Performance

C. Restitution

D. Fine

ANSWER: A

**The European Union is a……………. organisation that creates, implements and enforces substantive legal frameworks for its member states.**

**A**. Supranational

**B**. Governmental

**C**. National

**D**. Non-governmental

ANSWER: A

**A corporation can……………………property, …………………. its bank account, and……………………………..other persons.**

**A**. Owns/ open/ sues

**B**. Owes/ close/ sues

**C**. Owns/ close/ sues

**D**. Owns/ open/ violates

ANSWER: A

**In the case:** [**KARA v. MITCHELL**](https://en.wikipedia.org/wiki/Meinhard_v._Salmon)**,**[**249 N.Y. 458, 164 N.E. 545**](https://en.wikipedia.org/wiki/Case_citation)**(New York Supreme Court, 1928). Who is a defendant?**

**A**. MITCHELL

**B**. KARA

**C**. New York Supreme Court

**D**. [MITCHELL](https://en.wikipedia.org/wiki/Meinhard_v._Salmon) AND KARA

ANSWER: A

**In the case:** [**KARA v. MITCHELL**](https://en.wikipedia.org/wiki/Meinhard_v._Salmon)**,**[**249 N.Y. 458, 164 N.E. 545**](https://en.wikipedia.org/wiki/Case_citation)**(New York Supreme Court, 1928). Which is competent court?**

**A**. New York Supreme Court

**B**. KARA

**C**. MITCHELL

**D**. [MITCHELL](https://en.wikipedia.org/wiki/Meinhard_v._Salmon) AND KARA

ANSWER: A

**In the case:** [**KARA v. MITCHELL**](https://en.wikipedia.org/wiki/Meinhard_v._Salmon)**,**[**249 N.Y. 458, 164 N.E. 545**](https://en.wikipedia.org/wiki/Case_citation)**(New York Supreme Court, 1928). Who is a plaintiff?**

**A**. KARA

**B**. MITCHELL

**C**. New York Supreme Court

**D**. [MITCHELL](https://en.wikipedia.org/wiki/Meinhard_v._Salmon) AND KARA

ANSWER: A

**Which area of law is related to the penalty of those who commit crimes?**

**A**. Criminal law

**B**. Civil law

**C**. Taxation law

**D**. Labor law

ANSWER: A

**Which following method is known as a court settlement?**

**A**. Litigation

**B**. Mediation

**C**. Arbitration

**D**. Negotiation

ANSWER: A

**Both parties are getting something that they've agreed to, usually something of value for something of value, which means:**

**A.** Consideration

**B**. Acceptance

**C**. Offer

**D**. Legality

ANSWER: A

**.………….. relates to the body of rights and obligations of private individuals and legal persons of various sovereign countries.**

**A.** Private international law

**B**. International law

**C**. Public international law

**D**. Law on treaties

ANSWER: A

**ADR is a term, which stand for:**

A. Alternative Dispute Resolution

B. Additional Dispute Resolution

C. Absolute Dispute Resolution

D. Accredited Dispute Resolution

ANSWER: A

**Who is responsible for monitoring the affair of business operation and making policies for the development of a corporation?**

A. Board of Directors

B. Board of Managers

C. Association of shareholders

D. Association of stakeholders

ANSWER: A

**PHẦN TỰ LUẬN (2.5 điểm)**

*Read the following passage and answer Questions:*

Criminal law, sometimes (although rarely) called penal law, involves the prosecution by the state of a person for an act that has been classified as a crime. This contrasts with civil law, which involves private individuals and organisations seeking to resolve legal disputes. Prosecutions are initiated by the state through a prosecutor, while in a civil case the victim brings the suit. Some jurisdictions also allow private criminal prosecutions.

Depending on the offence and the jurisdiction, various punishments are available to the courts to punish an offender. A court may sentence an offender to execution, corporal punishment or loss of liberty (imprisonment or incarceration); suspend the sentence; impose a fine; put the offender under government supervision through parole or probation; or place them on a community service order.

Criminal law commonly proscribes - that is, it prohibits - several categories of offences: offences against the person (e.g. assault), offences against property (e.g. burglary), public-order crimes (e.g. prostitution) and business, or corporate, crimes (e.g. insider dealing).

Most crimes (with the exception of strict liability crimes such as statutory rape and certain traffic offences) are characterised by two elements: a criminal act (actus reus) and criminal intent (mens rea). To secure a conviction, prosecutors must prove that both actus reus and mens rea were present when a particular crime was committed.

In criminal cases, the burden of proof is often on the prosecutor to persuade the trier (whether judge or jury) that the accused is guilty beyond a reasonable doubt of every element of the crime charged. If the prosecutor fails to prove this, a verdict of not guilty is rendered. This standard of proof contrasts with civil cases, where the claimant generally needs to show a defendant is liable on the balance of probabilities (more than 50% probable).

In the USA, this is referred to as the preponderance of the evidence. Some jurisdictions distinguish between felonies (more serious offences, such as rape) and misdemeanours (less serious offences, such as petty theft). It is also worth noting that the same incident may sometimes lead to both a criminal prosecution and an action in tort.

* What is another name of criminal law?
* Which following crime is against public order according to the passage?
* Which standard of proof should be proved under civil law?
* All countries in the world have called criminal law in the name of penal law. True of false. Explain?
* According to the passage, an offender may be put in jail for his/her crimes. True of false. Explain?

**Đáp án**

|  |  |
| --- | --- |
| Trả lời | Điểm |
| Criminal law, sometimes (although rarely) called penal law | 0.5 |
| Prostitution | 0.5 |
| To secure a conviction, prosecutors must prove that both actus reus and mens rea were present when a particular crime was committed. | 0.5 |
| False. Criminal law, sometimes (although rarely) called penal law | 0.5 |
| True. A court may sentence an offender to execution, corporal punishment or loss of liberty (imprisonment or incarceration) | 0.5 |

*Ngày biên soạn: 15/10/2021*

**Giảng viên biên soạn đề thi: Lê Hồ Trung Hiếu**

*Ngày kiểm duyệt: 18/10/2021*

**Trưởng (Phó) Khoa/Bộ môn kiểm duyệt đề thi: Nguyễn Thị Yên**

Sau khi kiểm duyệt đề thi, **Trưởng (Phó) Khoa/Bộ môn** gửi về Trung tâm Khảo thí qua email: **phannhatlinh@gmail.com** bao gồmfile word và file pdf (được đặt password cả 2 file trên) và nhắn tin password qua Số điện thoại Thầy Phan Nhất Linh (**0918.01.03.09**).

Khuyến khích Giảng viên biên soạn và nộp đề thi, đáp án bằng File Hot Potatoes. Trung tâm Khảo thí gửi kèm File cài đặt và File hướng dẫn sử dụng để hỗ trợ thêm Quý Thầy Cô.