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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: DTA0101 | Tên học phần: Anh văn pháp lý | | | |
| Mã nhóm lớp HP: | 211\_DTA0101\_01 | |
| Thời gian làm bài: | 75.(phút) | | | | | | |
| Hình thức thi: | **Trắc nghiệm kết hợp tự luận** | | | | | | |

**PHẦN TRẮC NGHIỆM (7.5 điểm)**

**When the contract is negotiated, the …………….must match each other in order for the contract to be binding**

A. offer and acceptance

B. offer and consideration

C. acceptance and offer

D. offer and legal relations

ANSWER: A

**……………offer free legal assistance to the local community**

**A**. Law clinics

**B**. Legal clinics

**C**. Medical clinics

**D**. Lawful clinics

ANSWER: A

**Regulators ………… the activities of companies to ensure that they comply with the law.**

**A**. monitor

**B**. follow

**C**. develop

**D**. expand

ANSWER: A

**Commercial law is a general term for a number of diverse areas of the law which regulate ……………..**

**A**. trade and commerce

B**.** criminal

**C**. taxation

**D**. compensation for loss

ANSWER: A

**………………. includes the drafting of contracts and advising clients.**

**A**. Non-contentious work

**B**. Contentious work

**C**. Paper work

**D**. Legal work

ANSWER: A

**A partnership is managed by …………who share profits and responsibility equally.**

**A**. partners

**B**. a partner

**C**. an individual

**D**. an organization

ANSWER: A

**Since you have not carried out your ……………..under the contract, you have clearly ……………….the contract.**

**A**. obligations/breached

**B**. incentives/complied with

**C**. rights/accepted

**D**. entitlements/rejected

ANSWER: A

**Bankruptcy is when someone cannot 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

**A company can……………………property, …………………. contracts, and……………………………..other persons.**

**A**. Owns/ enters into/ sues

**B**. Owes/ enters into/ sues

**C**. Owns/ deep into/ sues

**D**. Owns/ enters into/ violates

ANSWER: A

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

**A**. Constitutional law

**B**. Criminal law

**C**. Civil law

**D**. Administrative law

ANSWER: A

**If the …………………not match each other, then the law says that the second party has made a counteroffer**

A. Offer and acceptance

B. Consideration

C. Approval

D. Legal consent

ANSWER: A

**Damages refers to money which the court orders …………..to pay to the non-breaching party in compensation**

**A**. the breaching party

**B**. the law breaker

**C**. the claimant

**D**. the defendant

ANSWER: A

**When someone is……………………, they have to pay an amount of money as a punishment for breaking a law.**

**A**. Fined

**B**. Sentenced to execution

**C**. Sentenced to imprisonment

**D**. Put on parole

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

**Shareholders invest money by buying………………… in a company?**

**A**. shares

**B**. equity

**C**. assets

**D**. properties

ANSWER: A

**In the case: JONH vs The GS Company, 248 N.Y. 339; 162 n.e. 99; Court of Appeals of Ohio [1946]. Who is a defendant?**

**A**. JOHN

**B**. The GS Company

**C**. Court of Appeals of Ohio

**D**. Company

ANSWER: A

**In the case: JOHN vs The GS Company, 248 N.Y. 339; 162 n.e. 99; Court of Appeals of Ohio [1946]. Which is competent court?**

**A**. Court of Appeals of Ohio

**B**. JOHN

**C**. The GS Company

**D**. Company

ANSWER: A

**In the case: JOHN vs The GS Company, 248 N.Y. 339; 162 n.e. 99; Court of Appeals of Ohio [1946]. Who is a plaintiff?**

**A**. JOHN

**B**. The GS Company

**C**. Court of Appeals of Ohio

**D**. Company

ANSWER: A

**In the case: JOHN vs The GS Company, 248 N.Y. 339; 162 n.e. 99; Court of Appeals of Ohio [1946]. When was the decision rendered?**

**A**. 1946

**B**. The TH Company

**C**. PANDA

**D**. Railroad Company

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

**Company law deals with the creation and** regulation **of ………………..**

**A**. Business entities

**B**. Business activities

**C**. Business acts

**D**. Business operation

ANSWER: A

**Criminal law refers to the ……………….of those who commit crimes?**

**A**. punishment

**B**. loss

**C**. damage

**D**. rights

ANSWER: A

**When you …………. the contract, legal rights were ……………. which are enforceable under the law.**

**A**. signed/created

**B**. signed/claimed

**C.** rejected/created

**D**. rejected/claimed

ANSWER: A

**My client has requested me to ………. a lawsuit …………you for breach-of contract.**

**A**. file/against

**B**. make/for

**C**. file/for

**D**. make/against

ANSWER: A

**A sole proprietor……………….a company and…………..personally liable for its debts.**

**A**. owns/is

**B**. owes/is

**C**. owns/are

**D**. owes/are

ANSWER: A

…………., **which involves private individuals and organisations seeking to resolve legal disputes**

**A**. Criminal law

**B**. Civil law

**C**. Taxation law

**D**. Labor law

ANSWER: A

**The board of directors……………the affairs of the company and…………… company policy.**

**A**. manages/makes

**B**. manages/devises

**C**. makes/decides

**D**. decides/devises

ANSWER: A

**A company director……..………..the governing board of a corporation.**

**A**. serves on

**B**. manages

**C**. monitors

**D**. decides on

ANSWER: A

**A party may want to transfer its rights under a contract to another party. This is called an** ……………….

A. assignment

B. transfer

C. conveyance

D. movement

ANSWER: A

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

**A**. The World Trade Organization

**B.** The World Trading Organization

**C**. The Worldwide Trade Organization

**D**. The Worldwide Trading Organization

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.

* List all punishments which are able to impose on a criminal
* Which following crime is against public order according to the passage?
* 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?
* According to the passage, rape is one of the most serious crimes, which can be convicted for execution. True of false. Explain?

**Đáp án**

|  |  |
| --- | --- |
| Trả lời | Điểm |
| 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. | 0.5 |
| Prostitution | 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 |
| False. Some jurisdictions distinguish between felonies (more serious offences, such as rape) and misdemeanours (less serious offences, such as petty theft). | 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