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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: Pháp luật và đạo đức KD | | | |
| Mã nhóm lớp HP: | 211\_7PL0011\_01  211\_7PL0011\_02  211\_7PL0011\_03 | |
| Thời gian làm bài: | 75.(phút) | | | | | | |
| Hình thức thi: | **Tự luận** | | | | | | |

1. **TRUE/FALSE QUESTIONS (5 marks)**
2. S corporation can have more than 100 shareholders who is not required to be a US citizen (2.5)

**Đáp án**

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| Trả lời | Điểm |
| False | 1.0 |
| To qualify for S corporation status, a corporation must satisfy the following requirements: The corporation must have no more than 100 shareholders, | 0.5 |
| all of whom must be individuals who are citizens of the United States or U.S. resident aliens, or certain types of tax-exempt organizations, trusts, or estates; | 0.5 |
| The corporation must have only one class of stock; The corporation generally may not own 80 percent or more of any other corporation; and the corporation must file a timely electionto be treated as an S corporation. | 0.5 |

2. Stakeholder is understood as persons who invest and buy shares in a company (2.5)

**Đáp án**

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| Trả lời | Điểm |
| False | 1.0 |
| In a business context, customers, investors and shareholders, employees, suppliers, government agencies, communities, and many others who have **a "stake" or claim in some aspect of a company’s products, operations, markets, industry, and outcomes** are known as stakeholders. | 1.0 |
| A person who invests and buys shares in a company should be called as shareholders or stockholders. They can be included one of stakeholders | 0.5 |

1. **SHORT QUESTIONS (5 marks)**

1. List and explain means of dispute settlement applied in international trade and transactions?

**Đáp án**

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| Trả lời | Điểm |
| International law provides several possible methods for the resolution of disputes: negotiation, good offices, mediation, inquiry, conciliation, arbitration, and litigation. | 1.0 |
| Negotiation is a very informal process in which the goal is to reach a compromise. Often the parties try negotiation before resorting to other means of dispute resolution. | 0.5 |
| Good offices is a process used mainly in the area of public international law. A third party (often a disinterested government) brings the parties together by establishing communication and providing a site where the parties can meet, often in secret. Increasingly, international organizations are taking the role of the disinterested third party. | 0.5 |
| Mediation is very similar to good offices and often is used in private international law disputes. In mediation, the third (disinterested) party is called the mediator and plays a more active role than the third party in good offices. The mediator facilitates the communications of the parties and may also intervene in a constructive way. A mediator works to reconcile the opposing claims and to appease the feelings of resentment that may have arisen between the parties. Like good offices, mediation is generally non-binding. | 0.75 |
| Inquiry is done by a commission of inquiry that is established ad hoc, often after a violation of international law. Two contending governments review the finding of the commission with the goal of achieving an acceptable solution to the dispute at hand. | 0.5 |
| Conciliation is a more formalized method of dispute resolution. It is similar to inquiry but adds a "cooling-off" period. In addition, the parties agree in advance to accept the finding of the commission. | 0.5 |
| In arbitration, a legal process is carried out by a tribunal that is often very similar to a court. The parties must decide in advance whether the arbitration decision will be final and binding and not subject to review by any courts. Unless such a stipulation is made, the dispute may be reviewed by a court without reference to the arbitration, rendering the arbitration decision unenforceable. | 0.75 |
| Litigation, which is a legal proceeding conducted in the court system of a state or nation, is the most structured method of dispute resolution | 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.