

《法學知識與英文》

- (C) 1 依據司法院大法官解釋，有關新聞自由之敘述，下列何者錯誤？
(A)為確保新聞媒體能提供具新聞價值之多元資訊，滿足人民知的權利，形成公共意見與達成公共監督，新聞自由受憲法第11條保障
(B)新聞自由保障之範疇包括提供新聞報導內容所不可或缺之資訊蒐集、查證行為
(C)一般人為促進公共事務討論以監督政府，而從事之新聞採訪行為，不受新聞自由之保障
(D)新聞採訪者為採訪新聞而為跟追，倘已達到緊迫程度，而危及被跟追人身心安全之身體權或行動自由，不受新聞自由之保障
- (C) 2 依司法院大法官解釋之意旨，對大陸地區人民所為之差別待遇，下列何者違憲？
(A)非在臺灣地區設有戶籍滿10年，不得擔任公務人員
(B)對應受強制出境之大陸地區人民，未先經法院審判，治安機關即暫予收容
(C)已有子女或養子女之臺灣地區人民，不得收養配偶之大陸地區子女
(D)大陸地區人民非經主管機關許可，不得進入臺灣地區
- (A) 3 依司法院大法官解釋，關於稅捐稽徵法令或財政部函釋，下列敘述何者錯誤？
(A)納稅義務人捐地而申報列舉扣除額，其得扣除金額，逕依財政部核定之標準認定，合憲
(B)僅許有法律上婚姻關係之配偶間相互贈與，免徵贈與稅，合憲
(C)未辦理登記而短漏營業稅之漏稅額認定，不許以被查獲後始提出之進項憑證扣抵銷項稅額，合憲
(D)非自行耕作者以農民名義購買農業用地者，應補徵土地增值稅，合憲
- (B) 4 依司法院釋字第735號解釋，有關不信任案，下列敘述何者錯誤？
(A)立法院於臨時會中審議不信任案，非憲法所不許
(B)不信任案提出72小時後，應於48小時內以不記名投票程序表決之
(C)立法院職權行使法第37條關於不信任案提出、進行審議程序之規定，屬立法院國會自律事項
(D)不信任案制度係為建立政黨黨紀，化解政治僵局，落實責任政治，並具穩定政治之正面作用
- (B) 5 依憲法增修條文規定，下列何者屬於考試院之職權？
(A)評定公務人員之年終考績為丙等 (B)對於公務人員級俸所為之審定
(C)對於公務人員所為之陞遷決定 (D)對於公務人員所為之資遣處分
- (C) 6 關於總統解散立法院，下列敘述何者正確？
(A)總統於戒嚴生效期間，得解散立法院
(B)總統於立法院通過行政院院長不信任案後，得逕行宣告解散立法院
(C)行政院院長於立法院通過不信任案後應辭職，並得呈請總統解散立法院
(D)行政院院長於總統發布緊急命令後，得呈請總統解散立法院
- (A) 7 依憲法增修條文規定，下列何者得對總統、副總統提出彈劾案？
(A)立法院 (B)最高檢察署 (C)監察院 (D)憲法法庭
- (D) 8 關於司法院大法官，下列敘述何者正確？
(A)共15名，女性大法官人數不得少於四分之一 (B)司法院正、副院長由大法官互選產生
(C)為保障其獨立性，一律給予終身職之保障 (D)任期8年，不分屆次，個別計算
- (C) 9 有關人民聲請大法官解釋憲法之標的，下列敘述何者錯誤？
(A)聲請標的包括確定終局裁判所適用之大法官解釋
(B)聲請標的包括確定終局裁判所適用之法律或命令
(C)聲請標的包括各級法院裁判
(D)解釋性行政規則如為法官於裁判上援用，亦得為聲請標的
- (B) 10 依憲法及增修條文規定，有關司法權之敘述，下列何者錯誤？
(A)司法院為我國最高司法機關 (B)司法院掌理民事、刑事、行政訴訟與公務員懲處
(C)法官為終身職 (D)司法院大法官有解釋憲法之最終權力
- (A) 11 依憲法及司法院大法官解釋，下列對於地方自治之敘述何者錯誤？

- (A)鄉鎮市自治受憲法明文保障 (B)中央與地方分權採均權制度
(C)地方自治受憲法之制度性保障 (D)地方自治事務包括自治事項與委辦事項
- (C) 12 下列何者不屬於憲法第107條所定之中央立法並執行之事項？
(A)幣制 (B)國防
(C)振濟、撫卹及失業救濟 (D)國際貿易政策
- (A) 13 自民國101年9月6日起，交通裁決事件由地方法院行政訴訟庭管轄，法院並依行政訴訟法審理。如甲主張此修法，致交通裁決事件不再由普通法院經三級三審制度審理，損害人民受憲法保障之訴訟權，其主張是否有理由？
(A)無理由，審判權歸屬及審級制度，原則上屬於立法形成自由
(B)有理由，基於交通裁決事件之違法特性，應由普通法院審理
(C)無理由，此為基本權程序與組織保障的問題，與訴訟權無涉
(D)有理由，基於司法一元主義，普通法院審理始可保障訴訟權
- (C) 14 依司法院大法官解釋，有關集會與結社自由，下列敘述何者正確？
(A)憲法保障之集會自由，不包括遊行之自由
(B)集會與結社之不同處，在於集會為組成長期間之團體
(C)國家應提供適當集會場所，並保護集會之安全
(D)人民團體之命名權，非屬憲法結社自由所保障之範疇
- (B) 15 有關我國全民健康保險制度之內涵，下列敘述何者錯誤？
(A)性質上為憲法規定之社會保險
(B)保險費率之衡酌，不以填補國家提供保險給付支出之一切費用為準
(C)保險費之支付，具有分擔金之性質
(D)保險費之收取，須符合量能負擔之公平性
- (D) 16 民法1063條第1項規定，妻之受胎，係在婚姻關係存續中者，推定其所生之子女為婚生子女。下列敘述何者正確？
(A)擬制之事實，可以舉證推翻
(B)推定之事實，不可舉證推翻
(C)擬制之事實，須依賴司法者根據個案事實，決定是否為真
(D)推定之事實，立法者常是參照已知之事理，推斷為事實
- (B) 17 下列何者並非繼受自西方法制？
(A)著作權法規定懲罰性賠償制度 (B)祭祀公業條例之祭祀公業制度
(C)刑事訴訟採取偵查不公開原則 (D)刑法採取罪刑法定主義之原理
- (A) 18 依據地方制度法之規定，有關中央與地方，以及地方間關係的敘述，下列何者錯誤？
(A)省政府辦理自治事項違背憲法、法律、中央法令或逾越權限者，由中央各該主管機關報行政院予以撤銷、變更、廢止或停止其執行
(B)直轄市政府辦理委辦事項違背憲法、法律、中央法令或逾越權限者，由中央各該主管機關報行政院予以撤銷、變更、廢止或停止其執行
(C)縣（市）政府辦理自治事項違背憲法、法律或基於法律授權之法規者，由中央各該主管機關報行政院予以撤銷、變更、廢止或停止其執行
(D)鄉（鎮、市）公所辦理自治事項違背憲法、法律、中央法規或縣規章者，由縣政府予以撤銷、變更、廢止或停止其執行
- (A) 19 行政命令若遭法官於審理具體訴訟案件時拒絕適用，其效力為何？
(A)系爭行政命令仍屬有效 (B)於本案判決確定後正式失效
(C)系爭行政命令自拒絕適用時起失效 (D)僅於本案審理期間對相類似訴訟案件失效
- (D) 20 有關法規廢止之敘述，下列何者非中央法規標準法之規定？
(A)法律之廢止，應經立法院通過，總統公布
(B)命令之廢止，由原發布機關為之
(C)法規之廢止，得僅公布或發布其名稱及施行日期；並自公布或發布之日起，算至第3日起失效
(D)法規有施行期限者，期滿當然廢止，無需由主管機關另行公告
- (C) 21 下列關於法律漏洞概念的說明，何者正確？

- (A)法律漏洞是指案件事實沒有法律可規範的狀態
(B)法律解釋可以逾越法律文義範圍，避免產生漏洞
(C)法律漏洞是指本應有法律規範，但卻無法律規範的情況
(D)法律漏洞必須由立法者修法填補，法官不應介入
- (D) 22 下列何者非憲法增修條文第10條明定之「基本國策」事項？
(A)重視水資源之開發利用 (B)推行全民健康保險
(C)尊重軍人對社會之貢獻 (D)維護新住民之人格尊嚴
- (C) 23 依司法院大法官解釋意旨，有關公務人員退撫年金改革，下列敘述何者錯誤？
(A)退撫給與中源自政府補助之部分，屬恩給制之範疇，其相關立法是否違反信賴保護原則，應採較為寬鬆之審查標準
(B)調降公務人員退撫給與，尚未及於受規範對象在職時所提撥之費用，則就其調降是否違反信賴保護原則，應採寬鬆標準，予以審查
(C)公務人員退休撫卹法律既有政府負最後支付保證責任之明文，則於採行開源節流手段仍不足以維持退撫基金收支平衡時，政府非另以預算為撥款補助支應，即屬當然違憲
(D)信賴保護原則所追求的法秩序之安定，以及現代國家面對社會變遷而不斷衍生改革需求，兩者同屬憲法保護之基本價值，應予調和
- (D) 24 稱分別共有者，調數人按其應有部分，對於一物有所有權者。關於共有，下列敘述何者錯誤？
(A)各共有人，得自由處分其應有部分
(B)共有物之處分、變更、及設定負擔，應得共有人全體之同意
(C)共有人自共有物分割之效力發生時起，取得分得部分之所有權
(D)各共有人對於無權占有共有物之第三人，得請求將共有物返還於自己
- (D) 25 A、B 兩人結婚無效卻同居在一起，並親密互稱夫妻，對外也是以夫妻關係出現。10年後，A 執意分手。下列敘述何者錯誤？
(A)如果 B 無謀生能力，可以向 A 請求若干贍養費 (B)兩人同居期間，互負扶養義務
(C)A、B 間有剩餘財產分配請求權 (D)兩人完全沒有權利義務關係
- (D) 26 上週日甲女於突發性精神錯亂中，同意將自己的 M 動產以新臺幣（以下同）10萬元出售於乙男。翌日，甲恢復正常，甲、乙雙方履行約定，在讓與合意下，甲將 M 交付給乙，乙給予甲10萬元現金。下列敘述何者正確？
(A)甲、乙間的 M 買賣契約效力未定 (B)甲、乙間的 M 買賣契約得撤銷
(C)甲、乙間 M 所有權移轉契約無效 (D)乙已取得 M 的所有權
- (C) 27 承攬人完成之工作物，不具備約定之品質或通常之使用時，依民法規定，定作人得主張之權利，下列敘述何者錯誤？
(A)請求減少報酬 (B)請求損害賠償 (C)行使契約終止權 (D)請求修補瑕疵
- (B) 28 甲誤以為小蘇打粉加水飲用可以毒死人，故將微量小蘇打粉放在被害人乙的飲水當中，欲毒殺乙。乙一飲而盡，身體未有異狀。關於甲行為之評價，下列何者正確？
(A)甲為殺人之幻覺犯，欠缺殺人之故意，故不成立殺人罪
(B)甲為殺人之不能犯，不能生結果又無危險，不罰
(C)甲為殺人之確信犯，殺意篤堅，應成立殺人罪且需從重量刑
(D)甲為殺人之中止犯，因己意防止其結果發生，減輕或免除其刑
- (C) 29 甲受僱於乙公司，負責撰寫廣告文案與美術設計，且甲乙間並未以契約約定職務上著作之權利歸屬。有關甲於職務上所完成之美術著作，下列敘述何者正確？
(A)應以乙公司為著作人，但著作財產權歸甲享有
(B)應以乙公司為著作人，並且享有著作財產權
(C)應以甲為著作人，但著作財產權歸乙享有
(D)應以甲為著作人，並且享有著作財產權
- (B) 30 甲參加全民健康保險後，數個月後即告失蹤，甲失蹤滿6個月後，其保險效力為何？
(A)保險效力中止
(B)保險人應予退保
(C)保險人應依法追還甲領取之保險給付並取消被保險人之資格

(D)甲之父母、子女、配偶發生保險事故者，保險人概不予保險給付

- (A) 31 Automakers are developing cars that can sense and respond to on the road to prevent accidents.
(A)hazards (B)stadiums (C)sensations (D)blossoms
- (A) 32 We should care more about the content of the proposal rather than things like how to format section headings.
(A)superficial (B)unconscious (C)lucrative (D)motivational
- (A) 33 Filled with trees, shrubs, and meadows, city parks provide people with a tranquil spot to themselves.
(A)unwind (B)offset (C)resort (D)proceed
- (D) 34 The city government initiated the scheme to the beginning of child welfare services.
(A)respect (B)spoil (C)join (D)mark
- (A) 35 Life seems a little less when we can always depend on some people to keep us company, especially when we are sad or in trouble.
(A)fragile (B)hysterical (C)relevant (D)victorious
- (C) 36 Throughout the world, there has been a(n) loss of tribal languages. Some linguists estimate that some 5,000 languages or distinctive dialects have faded away in the twentieth century.
(A)unruly (B)lenient (C)drastic (D)intact
- (A) 37 The idyllic image of the Mediterranean is beginning to as plane crashes, beach attacks and refugee deaths now raise tourists' fears about the region.
(A)fade (B)glow (C)hatch (D)leak
- (A) 38 Telemedicine is about providing medical support at a distance to people who have no to a doctor.
(A)access (B)agency (C)antidote (D)asset
- (A) 39 It is advised that Asian immigrants bring with them some induction-friendly pressure cookers if they want to the first few years of immigration.
(A)survive (B)surrender (C)execute (D)emigrate
- (B) 40 Even though Agatha is the best badminton player in our class, she accidentally her ankle badly and could not represent our class in the upcoming badminton game.
(A)pertained (B)sprained (C)restrained (D)refrained
- (A) 41 More treatment was provided for patients whose condition had not improved.
(A)intensive (B)intrinsic (C)abrupt (D)affective

請依下文回答第42題至第44題：

Between 1700 and 1750, the population of Bath tripled from three to nine thousand and was comprised of diverse types. Doctors settled in Bath to administer to the patients who came seeking relief from 42 such as gout, fever, palsy, rashes, and rheumatism. Professional gamblers stopped at Bath on their annual itinerary through London and the continental spas. The 43 for visitors were September/October and March/April, although the entertainments were continuous all year. The aristocracy came from London to take the waters and escape the bustle of the big city. Parsons,

country squires, tradesmen, and their wives came to mingle with the nobility. Indeed the seasonal retreat of the middle class to Bath may mark the first time in English history when the concept of 44 for large numbers of working people became a reality.

- (D) 42 (A)various wounds (B)fatal mistakes (C)hopeful cases (D)various afflictions
(D) 43 (A)rush hours (B)career periods (C)incubation periods (D)peak seasons
(B) 44 (A)summer vacation (B)annual vacation (C)anniversary (D>wedding celebration

請依下文回答第45題至第47題：

It's essential to lie with maps. A map must distort reality in order to portray a complex, three-dimensional world on a flat sheet of paper. In other words, a map is a 45 model, but the symbols it uses for parks and other places are not drawn to the same scale. A map cannot show everything, or it will hide critical information in a fog of 46. The map, therefore, must offer a selective view of reality. There's no escape from the cartographic 47: to present a useful and truthful picture, an accurate map must tell white lies.

- (D) 45 (A)portable (B)predestined (C)satiric (D)scale
(B) 46 (A)article (B)detail (C)ingredient (D)item

(D) 47 (A)crux (B)engima (C)mystery (D)paradox

請依下文回答第48題至第50題：

The interrelationship of science, technology, and industry is taken for granted today—summed up, not altogether accurately, commonly recognized as “research and development.” Yet historically this widespread faith in the economic virtues of science is a somewhat recent phenomenon, dating back in the United States about 150 years, and in the Western world as a whole not over 300 years at most. Even in this current era of large scale, intensive research and development, the interrelationships involved in this process are often misunderstood. Until the coming of the Industrial Revolution, science and technology evolved for the most part independently of each other. Then as industrialization became more and more complicated, the craft techniques of pre-industrial society gradually gave way to a technology based on the systematic application of scientific knowledge and scientific methods. This changeover started slowly and progressed unevenly. Until late in the nineteenth century, only a few industries could afford to use scientific techniques or cared about using them.

Nevertheless, by the middle of the nineteenth century, the immense expansion of scientific knowledge and of public awareness of it had created a belief that the advance of science would in some unspecified manner automatically create economic benefits. The pervasive acceptance of this thesis led in turn to the assumption that the application of science to industrial purposes was a linear process, starting with fundamental science, then proceeding to applied science or technology, and through them to industrial use. This is probably the most general pattern, but it is not invariable. New areas of science have been opened up and fundamental discoveries made as a result of attempts to solve a specific technical or economic problem. On the contrary, scientists who mainly do basic research also serve as consultants on projects that apply research in practical ways. In sum, the science-technology-industry relationship may flow in several different ways, and the particular channel it will follow depends on the individual situation. It may at times even be multidirectional.

- (C) 48 What is the author's main purpose in the passage?
- (A) To show how technology influenced basic science
 - (B) To describe the scientific base of nineteenth-century American industries
 - (C) To correct misunderstandings about the connections between science, technology, and industry
 - (D) To argue that basic science has no practical application
- (A) 49 The word “altogether” is closest in meaning to
- (A) completely (B) virtually (C) individually (D) irrevocably
- (A) 50 Which of the following statements does the passage support?
- (A) The development of science and of industry is now interdependent.
 - (B) Basic scientific research cannot lead to practical applications.
 - (C) Industries should spend less money on research and development.
 - (D) Science and technology are becoming more divided.

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