《法學知識與英文》

- (A) 1 立法委員之言論免責權,係為維持下列何種制度之運作所設?
 - (A)民主制度 (B)法治制度 (C)司法獨立制度 (D)權能區分制度
- (C) 2 憲法基本國策章之國民經濟及社會安全規定,體現憲法第1條規定之何種原則?
 - (A)民有 (B)民治 (C)民享 (D)民主
- (C) 3 有關基本國策之效力,下列敘述何者錯誤?
 - (A)基本國策僅具有政策性質,無法成為檢驗國家行為合憲與否之審查依據
 - (B)基本國策不具公權利性質,人民無法依此而請求
 - (C)基本國策之規定,可作為法律限制人民基本權利之正當理由
 - (D)基本國策僅為國家施政之指標,不具法律拘束力
- (B) 4 宗教團體於水庫流放外來魚種並舉辦放生法會,嗣後遭主管機關依水利法裁罰,宗教團體主張此已侵害 其宗教信仰自由。依相關司法院大法官解釋意旨,下列敘述何者正確?
 - (A)主張有理由,宗教信仰自由與人性尊嚴關係甚為密切,宗教行為應受絕對保障
 - (B)主張無理由,宗教行為之自由可能涉及他人權利,甚或影響公共秩序,因此僅能受相對保障,在必要之最小限度內,仍應受國家相關法律約束
 - (C)主張無理由,僅有自然人得以實際思考與信仰,因此宗教信仰自由在性質上應為自然人始得主張,該 宗教團體不得主張宗教信仰自由
 - (D)主張有理由,水利法之罰則並未考量宗教行為之特殊性質,進而違反憲法對於實質平等原則之要求
- (A) 5 違章建築之所有權人被處以罰鍰時,關於其他違章建築所有權人是否應同受處罰,下列敘述何者錯誤?
 - (A)因為違章建築太多,主管機關有選擇執法的權力
 - (B)主管機關雖怠於執行職權,但違規者仍不得主張不法之平等
 - (C) 違章建築構成違法行為,違規者就應該被處罰,與其他人是否違規無關
 - (D)人民有守法義務,主管機關怠於處罰其他違法行為,不會因此使違法就變成合法
- (D) 6 依司法院大法官解釋,下列何者並非憲法服公職權之保障範圍?
 - (A)公務員之身分保障
- (B)公務員之薪資請求權
- (C)公務員之退休金請求權
- (D)公務員之在職進修請求權
- (A) 7 依司法院大法官解釋,有關隱私權之敘述,下列何者錯誤?
 - (A)隱私權包含資訊隱私權及接近媒體使用權
 - (B)對於住宅之臨檢,影響人民隱私權
 - (C)個人資料之自主控制,亦屬隱私權之保障內涵
 - (D)個人於公共場域中,亦享有不受他人持續注視、監看、監聽之權
- (B) 8 依司法院大法官解釋,下列那一基本權利最無須立法形成其具體內涵?
 - (A)大學自治 (B)宗教信仰自由 (C)訴訟權 (D)服公職權
- (B) 9 有關總統、副總統罷免案與彈劾案之敘述,下列何者正確?
 - (A)總統、副總統之罷免案,應由監察院審理之
 - (B)總統、副總統之彈劾案,應由立法院提出
 - (C)總統、副總統之彈劾案立案後,交由全體人民投票表決
 - (D)總統、副總統之罷免案,應由人民連署提出,並由憲法法庭裁決
- (C) 10 司法院釋字第696號解釋,針對夫妻非薪資所得應由納稅義務人及其配偶合併申報且合併計算其稅額之規定,宣告違憲,係違反下列何種憲法原則?
 - (A)比例原則 (B)信賴保護原則 (C)平等原則 (D)租稅法定主義
- (A) 11 監獄長官為確保監獄的秩序與安全,對於受刑人發受之書信,不論其來源為何,一律開拆查閱,是限制 受刑人下列何種基本權?
 - (A)秘密通訊自由 (B)人身自由 (C)財產權 (D)訴訟權
- (C) 12 有關基本權之限制,下列敘述何者錯誤?
 - (A)法律保留原則之法律,不限國會法律,亦包括地方自治條例

- (B)法律明確性原則,係指法律規定之意義應非難以理解,且為一般受規範者所得預見,並可經由司法審查加以確認
- (C)比例原則之狹義比例原則,係指限制基本權利時,應選擇侵害最小之手段
- (D)刑事處罰如有罪與罰不相當之情形,亦屬違反比例原則
- (C) 13 下列何者毋須由法官先行審查決定,行政機關即得為之?
 - (A)對犯罪嫌疑人之羈押
 - (B)社會秩序維護法所定之拘留
 - (C)傳染病防治法之強制隔離治療
 - (D)行政執行法之管收
- (B) 14 依憲法及相關法律規定,關於憲法法庭,下列敘述何者正確?
 - (A)憲法法庭得設數審查庭,由大法官5人組成之
 - (B)當事人以外之人民、機關或團體,如認其與憲法法庭審理之案件有關聯性,得聲請憲法法庭裁定許可,向憲法法庭提出具參考價值之專業意見或資料
 - (C)憲法法庭審理案件,依法徵收裁判費
 - (D)聲請案件之受理,除憲法訴訟法別有規定外,應經大法官現有總額過半數參與評議,參與大法官過半數同意
- (A) 15 依111年憲判字第6號判決,地方制定有關食品安全之自治條例,經中央函告無效及不予核定者,有關其 爭議之解決,下列敘述何者正確?
 - (A)涉及中央或地方權限劃分爭議時,首應探究憲法本文及增修條文是否已有明文或可據以解釋,於無明文且無從經由解釋決定其性質時,始由立法院依憲法第111條規定以政治途徑解決
 - (B)我國憲法採單一國之政府體制,明定中央與地方權限之劃分,於第107條及第108條明定專屬中央立法 之事項,另亦同時明定有專屬地方之立法事項
 - (C)為貫徹憲法保障地方自治之意旨,地方就其自治事項有一定之立法或執行空間;中央對地方自治事項 應加尊重,並不得以組織法或作用法予以規範,且應注意中央立法之範圍及界限
 - (D)憲法第110條第1項第1款規定縣衛生事項由縣立法並執行之,故地方得訂定自治條例規範其轄區內之 食品安全標準,縱其規範之對象可能逾其轄區外之人、事、物,亦非憲法所不許
- (D) 16 下列何種情形, 雇主得不經預告對勞工終止勞動契約?
 - (A) 歇業或轉讓

- (B)勞工對於所擔任之工作確不能勝任
- (C)不可抗力暫停工作在1個月以上
- (D)勞工違反勞動契約或工作規則,情節重大
- (D) 17 家庭暴力罪之被告經檢察官或法院訊問後,認無羈押之必要而命釋放者,對被害人得附禁止實施家庭暴力、禁止接觸或遷出住居所等條件,並命被告遵守。前述所附條件有效期間自釋放時起生效,至刑事訴訟終結時為止,最長不得逾多久?
 - (A) 3個月 (B) 6個月 (C) 9個月 (D) 1年
- (D) 18 關於法治國原則,下列敘述何者錯誤?
 - (A)法治國原則為憲法的基本原則,形成修憲界線
 - (B)法治國原則強調人民權利之維護與法秩序之安定
 - (C)法治國原則要求信賴保護
 - (D)權力分立強調監督與制衡,與法治國原則無涉
- (D) 19 下列何者並非我國憲法增修條文明定應給予特別保障之對象?
 - (A)婦女 (B)身心障礙者 (C)原住民族 (D)公教人員
- (B) 20 依民法之規定,下列何者不屬於財團設立時,應登記之事項?
 - (A)財產之總額

- (B)定有出資方法者,其方法
- (C)定有代表法人之董事者,其姓名 (D)主事務所及分事務所
- (D) 21 有關罰金刑與易科罰金之敘述,下列何者正確?
 - (A)罰金加減者,僅加減其最高度
 - (B)科罰金時,除依刑法第57條規定外,不應審酌犯罪行為人之資力及犯罪所得之利益
 - (C)科罰金時,縱然行為人所得之利益超過罰金最多額,仍不得於所得利益之範圍內酌量加重
 - (D)犯最重本刑為5年以下有期徒刑以下之刑之罪,而受6月以下有期徒刑或拘役之宣告者,得易科罰金
- (D) 22 甲為某派出所所長,因派出所人手不足,甲遂拿一套警察制服給約聘工友乙穿著,並命令乙與其他警員

- 一同到路口執行酒測勤務。乙攔停機車騎士丙時,丙憤而毆打乙,使乙受傷。下列敘述何者正確?
- (A)丙對乙施以強暴,構成侮辱公務員罪
- (B)乙穿著警察制服如執行驅離,係依法執行公務
- (C)妨害公務罪的保護法益是公務員的身分,與乙是否合法執行公務無關
- (D)乙之行為並非合法執行職務,因此縱然丙的行為可能構成其它犯罪,但尚難論以妨害公務罪
- (A) 23 甲為A雜誌社僱用之攝影記者,工作內容為拍攝風景照片供A雜誌社內之編輯選用而作為雜誌刊登之 用,甲與A雜誌社間就甲所拍攝之照片並無任何約定。下列敘述何者正確?
 - (A)甲於工作期間所拍攝之照片,以甲為著作人
 - (B)甲於工作期間所拍攝之照片著作財產權歸甲享有
 - (C)A雜誌社就甲所拍攝之照片享有公開發表權
 - (D)甲為其工作期間所拍攝之照片之著作人,而所謂著作人係指著作完成所生之利潤歸屬之人
- (B) 24 民法關於法人之規定,下列何者正確?
 - (A)法人應設董事一人為其法定代理人,且該董事需年滿20歲
 - (B)法人於法令限制內,有享受權利負擔義務之能力。但專屬於自然人之權利義務,不在此限
 - (C)董事就法人一切事務,對外代表法人,然該法人所從事之國際貿易與稅務等相關事項,不在此限,而 應由中央主管機關決定之
 - (D)宮廟宗親會等法人組織,其董事有兩人以上者,各人僅得平均代表法人之一部事項,而非全部事項
- (D) 25 法制會隨著政經社文的環境變遷而有所調整,中華民國各法典經過歷次制定或修正,也更貼近臺灣社會實態。下列敘述何者錯誤?
 - (A)按照現行民法物權編規定,物權除依法律或習慣外,不得創設
 - (B)為貫徹男女平等,民法親屬編增設剩餘財產分配請求權
 - (C)民事訴訟法中的增設小額訴訟程序,注重因事件特性而分別處理
 - (D)成立國家通訊傳播委員會(NCC)的目的,是為了協助政令官導、發揚中華文化
- (C) 26 關於行政法規之廢止與信賴保護原則,下列敘述何者正確?
 - (A)經法律授權所制定之法規命令雖預先定有施行期間,仍無信賴保護之必要
 - (B)解釋性行政規則之廢止,不生信賴保護之問題
 - (C)經廢止之行政法規有重大明顯違反上位規範者,無信賴保護原則之適用
 - (D)縱使人民未有客觀上具體表現信賴之行為,亦得主張信賴保護原則
- (B) 27 受憲法法庭宣告部分條文違憲之法律,其後為法律修正時應經下列何種程序始正式生效?
 - (A)法律修正草案經行政院決議,並送交立法院備查後施行
 - (B)法律修正草案經立法院決議通過後,由總統公布施行
 - (C)法律修正草案經立法院決議通過,由憲法法庭審查後公布施行
 - (D)法律修正草案經主管機關提出,經行政院會議決議後施行
- (C) 28 在疫情期間,某國立大學為了協助因疫情而陷入經濟困難的學生,公布紓困助學金辦法規定,學生家長如因疫情失業,可以申請補助。甲為該校學生,其父母雖未失業,但也因疫情而被迫放無薪假,致使經濟困難。甲生如申請該項紓困助學金,從法學方法的觀點來看,該校行政單位下列那一作為最為適當?
 - (A)採取反面推論,因無薪假不屬於規定允許提供紓困條件,故不發給甲助學金
 - (B)採取目的解釋,因給予甲助學金符合規範目的,故把無薪假解釋為一種失業
 - (C)採取目的性擴張,基於規範目的,超過文義範圍適用,讓助學金給予對象包含無薪假
 - (D)採取類推適用,因為無薪假不屬於失業,故不發給甲助學金,但提供甲其他經濟協助
- (B) 29 甲、乙與丙共有A地,應有部分各三分之一。關於A地之使用,下列敘述何者錯誤?
 - (A)甲、乙與丙得共同約定,由甲使用A地

 - (C)除契約另有約定外,甲、乙與丙得以共有人過半數及其應有部分合計過半數之同意行之,決定如何管理A地
 - (D)甲、乙與丙得共同約定,出租且交付A地於他人使用
- (C) 30 依民法規定,有關離婚之敘述,下列何者正確?
 - (A)離婚之種類分為兩願離婚與裁判離婚二種
 - (B)兩願離婚應以書面為之,並有二人以上證人之簽名,即能成立

- (C)繼父母對繼子女為虐待,致不堪為共同生活者,為裁判離婚事由之一種
- (D)夫妻裁判離婚者,對於其未成年子女權利義務之行使或負擔,應直接由法院依職權以子女最佳利益的 定之

(C) 31 Researchers should try to in their own writings the sources of their data wherever necessary.
(A) decay (B) grind (C) quote (D) tease
(D) 32 After a bitter over how to educate their children, the couple unfortunately got divorced.
(A) query (B) quarter (C) quota (D) quarrel
(C) 33 The company's new model of automobile batteries is to its competitors in design and function.
(A) divorced (B) pregnant (C) superior (D) volcanic
(D) 34 The Mediterranean diet is believed to promote heart health and blood sugar levels.
(A) induce (B) suspect (C) deposit (D) regulate
(B) 35 Environmental and factors can both contribute to the development of cancer in humans.
(A) frequent (B) genetic (C) positive (D) restful
(D) 36 His and expertise in the field earned him a promotion to a leadership position.
(A) confrontation (B) conflict (C) conference (D) competence
(C) 37 These two nations finally to war after their negotiation failed.
(A) resisted (B) refrained (C) resorted (D) retracted
(D) 38 This nice apartment which has a good to the MRT station was sold at a very high price.
(A) decoration (B) garden (C) studio (D) access
(B) 39 The strike was called to better wages and working conditions for the employees.
(A) deceive (B) demand (C) deploy (D) depart
(D) 40 To book a hotel room, you will need to make a 50% in advance with your credit card.
(A) decision (B) defense (C) demand (D) deposit
請依下文回答第41題至第45題:

A recent study from Brazil finds a connection between vegetarianism and mental health issues. The study, in which 14,216 people between 35 to 74 years old were surveyed, shows that individuals following vegetarian diets are more 41 to depression. In fact, those who don't eat meat are twice more likely to have a depressive episode than meat consumers.

While there is evidence 42 to a lack of meat consumption causing more mental health issues, there are some conflicting studies that find no correlation between vegetarian diets and mood effects. According to these studies, it might be too straightforward to 43 that the former is causing the latter via nutritional deficiency. A healthy diet goes 44 identifying as a vegetarian or non-vegetarian. There are other 45 not examined but are plausibly linked to both vegetarianism and depression. One thing for sure is that a balanced intake accompanied by regular exercise is essential in maintaining physical and mental health.

- (C) 41 (A) attainable (B) conceivable (C) susceptible (D) tangible
- (D) 42 (A) point (B) points (C) pointed (D) pointing
- (A) 43 (A) assume (B) perform (C) execute (D) transform
- (D) 44 (A) except for (B) less than (C) nothing but (D) far beyond
- (C) 45 (A) propaganda (B) formations (C) variables (D) brochures

請依下文回答第46題至第50題:

Most food staples are inexpensive, plant-based foods, usually full of calories for energy. There are more than 50,000 edible plants in the world, but just 15 of them provide 90 percent of the world's food energy intake. Rice, corn, and wheat make up two-thirds of this. Food staples traditionally depend on what plants are native to a region.

Rice is a food staple for more than 3.5 billion people around the world, particularly in Asia, Latin America, and parts of Africa. Rice has been cultivated in Asia for thousands of years. Scientists believe people first domesticated rice in India or Southeast Asia. Rice arrived in Japan in about 3,000 years ago. The Portuguese most likely introduced it into South America in the 16th century. Today, the world's largest rice producers are China, India, and Indonesia. Outside of Asia, Brazil is the largest rice producer.

Corn is native to Central America, where it was domesticated by the Aztecs and Mayans. The United States is the world's largest corn grower, producing more than 40 percent of the world's corn. Corn is often used to produce corn oil, sweeteners such as corn syrup, and cornstarch, which is used as a sweetener and thickening agent in home cooking. Also, alcohol from fermented corn is the source of bourbon whiskey.

Wheatwas first domesticated in the Middle East. Wheat growswell in temperate climates, even those with a short growing season. Today, China, India, the United States, Russia, and France are among the largest wheat producers in

the world. The majority of breads are made with wheat flour. Wheat flour is also used in pasta, pastries, crackers, breakfast cereals, and noodles.

In addition to cereal grains, roots, and tubers are common food staples, particularly in tropical regions. Yams are an important food in the rainforests of West Africa. Potatoes are native to the cold climate of the Andes Mountains. They were introduced to Europe by explorers of the 16th century and are now a food staple in Europe and parts of the Americas.

- (B) 46 According to the passage, which of the following statements is NOT true?
 - (A) People first grew corn in Central America.
 - (B) Potatoes were first domesticated in Europe.
 - (C) Wheat was first cultivated in the Middle East.
 - (D) People in India or Southeast Asia grew rice first.
- (D) 47 According to the passage, which of the following best describes the role a food staple plays in human society?
 - (A) A product that is manufactured mainly for exportation.
 - (B) A town used as a center for the sale of commodities in bulk.
 - (C) A small piece of wire used to fasten sheets of paper together.
 - (D) A food that makes up the dominant part of a population's diet.
- (D) 48 According to the passage, which of the following is NOT mentioned as a product made from corn?
 - (A) Corn oil. (B) Liquor. (C) Sweeteners. (D) Breakfast cereals.
- (A) 49 Which of the following is closet in meaning to the word "temperate" in the passage?
 - (A) Mild. (B) Dull. (C) Harsh. (D) Thrifty.
- (A) 50 Which of the following is most likely to be the source of this passage?
 - (A) A geographic magazine. (B) An interior design brochure.
 - (C) An exhibition pamphlet. (D) A product manual.



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