《英文》

一、將下列英文翻譯成中文。(每小題 15 分,共 30 分)

- (—)Comparing the activity levels of a Taiwanese judge and an American judge serves as an excellent example to explain the influence of culture on the public's expectations. The Taiwanese public expects, and the litigants usually demand, that the trial judge play the key role and conduct the investigation and trial. The legendary figure Judge Pao is the best candidate, he mixed the clever detective techniques of Sherlock Holmes with the judicial wisdom of King Solomon. The seemingly ideal combination is deeply ingrained in the Taiwanese cultural mentality.
- (=)As law enforcers, we need to accept that law has its various manifestations all over the world; it is now and will always remain culture-specific. Globalization does not necessarily lead to universal homogenization; rather, it helps formulate legal pluralism and makes legal research ever more complex and challenging.

試題評析

綜觀本年度法學英文試題內容,相較去年,今年題目不僅變少且試題分數比重加大,英譯中與中譯英雖只各佔二題,儘管如此,但試題難度提高,也可能更耗時,時間掌控不佳者,將影響英文作文內容的構思。英譯中試題較淺顯易答,是得分關鍵;反觀中譯英方面,由於敘述文義偏長且過於文謅謅,如不謹慎仔細解讀其中文真正涵義,適度找出主詞與動詞的附著性,恐易出現中式英文,造成英文句子過長且有太多動詞的現象。分數評分級距不易客觀,一般考生分數可能落在 30-45 分左右,若能拿到 60 分以上應屬上乘。

【擬答】

- (一)台灣法官和美國法官對案件涉入程度之比較,提供一個很好的例子來說明文化對大眾期望的影響力。台灣民 眾與訴訟當事人通常都會期待,也會要求主審法官必須扮演關鍵性的角色,並進行調查和審判。傳奇人物如 包公是最佳人選,他混合著福爾摩斯聰明的偵探技巧,與所羅門王的司法智慧。這種看似理想的組合,根深 蒂固的深植於台灣的文化心態。
- (二)作為執法者,我們需要接受法律在世界各地所呈現的不同樣貌,它現在是文化的具體呈現,且將來也會是。 全球化並不必然導致普遍的同質化,相反地,它有助於形成法律的多元化,使法律研究更加複雜且更具有挑 戰性。
- 二、將下列中文翻譯成英文。(每小題 15 分, 共 30 分)
 - (一)為了避免刑事案件延宕數十年之久,司法院(政府五院之一且是最高司法機構)正在草擬關於公平和迅速審判的法規。公平和迅速審判的權利,是所有臺灣公民根基於憲法第446號和第530號解釋的權利。
 - (二)由於相互矛盾的意識形態,在意見上根本性的差異困擾國際環境議題的對話。這些差異衝擊 對話的進度和效率,也因此影響國際環境法扭轉或牽制全球環境惡化強大趨勢的能力。

【擬答】

- (—)In order to avoid delays in criminal cases for decades, the Judicial Yuan (five branches of government and one of the highest judicial bodies)is drafting regulations on the fair and expeditious trials. Based on the interpretation of the Constitution No. 446 and No. 530, all Taiwanese citizens shall have the rights to fair and speedy trial.
- (<u>_</u>)Because of conflicting ideologies, the fundamental differences on views troubled the dialogues on international environmental issues. These differences impacted the progress and efficiency of the dialogues, affected the international environmental law, and distorted or hindered the strong trend of worsening global environment.
- 三、英文作文:請依下列題目寫一篇約 250 字的英文文章。(40 分) My Ideal Criminal Law System