

112年公務人員特種考試司法人員、法務部調查局
調查人員、海岸巡防人員、移民行政人員考試及112年
未具擬任職務任用資格者取得法官遴選資格考試試題

代號：3401
頁次：6-1

考試別：調查人員

等別：三等考試

類科組：各組別

科目：綜合法政知識與英文（包括中華民國憲法、法學緒論、兩岸關係、英文）

考試時間：1 小時

座號：_____

※注意：(一)本試題為單一選擇題，請選出一個正確或最適當答案。

(二)本科目共50題，每題2分，須用2B鉛筆在試卡上依題號清楚劃記，於本試題上作答者，不予計分。

(三)禁止使用電子計算器。

- 1 依司法院大法官解釋及憲法法庭判決，有關言論自由與新聞自由，下列敘述何者正確？
 - (A)憲法對言論自由及其傳播方式之保障，屬於絕對，不因其特性而有不同之保護範疇及限制
 - (B)社會秩序維護法規定，無正當理由跟追他人，經勸阻不聽者，處罰鍰或申誡，牴觸憲法第 11 條保障之新聞採訪自由
 - (C)商品標示為提供商品客觀資訊之方式，應受言論自由之保障
 - (D)為保障名譽權，法院得以判決命加害人公開道歉
- 2 下列何者並非司法院釋字第 443 號解釋所建構之「法律保留原則」的具體內涵？
 - (A)剝奪人民生命或限制人民身體自由者，必須遵守罪刑法定主義，以制定法律之方式為之
 - (B)涉及人民其他自由權利之限制者，亦僅得由法律加以規定
 - (C)如以法律授權行政機關發布命令為補充規定時，其授權應符合具體明確之原則
 - (D)若屬執行法律之細節性、技術性次要事項，行政機關得發布命令進行必要之規範
- 3 憲法及增修條文中關於「原住民」或「原住民族」之規定，不包括下列何者？
 - (A)國家應積極維護發展原住民族之語言及文化
 - (B)國家應保障原住民族之地位及政治參與
 - (C)國家應保障原住民族之正名
 - (D)立法院立法委員有平地原住民及山地原住民之代表
- 4 依大法官解釋及憲法法庭判決，有關人民服公職權，下列敘述何者錯誤？
 - (A)服公職權為廣義參政權之一環
 - (B)如對服公職權所為之差別待遇，涉及公務人員之免職，應以中度標準予以審查
 - (C)由行政機關行使公務員之免職處分，牴觸憲法第 77 條規定司法院掌理公務員懲戒之意旨
 - (D)警消人員同一考績年度中平時考核獎懲累積達二大過予以免職，不生違反憲法保障人民服公職權之問題
- 5 依司法院釋字第 748 號解釋，有關同性性傾向者之婚姻自由保障，下列敘述何者錯誤？
 - (A)同性伴侶為經營共同生活之目的，成立具有親密性及排他性之永久結合關係，受憲法第 22 條之保障
 - (B)立法者應修正民法親屬編規定，保障並適用於同性婚姻
 - (C)婚姻對於人性尊嚴與人格健全發展具有不可或缺性
 - (D)婚姻自由包括是否結婚以及與何人結婚之自由

- 6 我國憲法第 2 章人民享有之自由權利規定，應均具有下列那一基本權利之主觀功能？
(A)防禦權 (B)參與權 (C)受益權 (D)分享權
- 7 依憲法增修條文，關於行政院院長，下列敘述何者正確？
(A)行政院院長由總統提名，經立法院同意任命之
(B)行政院院長辭職或出缺時，由行政院副院長繼任
(C)行政院院長於立法院通過不信任案時即應於 10 日內提出辭職
(D)行政院院長任命其所屬各部會首長，應經立法院同意
- 8 有關立法委員之質詢權，下列敘述何者錯誤？
(A)立法委員在開會時，有向行政院院長及行政院各部會首長質詢之權
(B)立法院各種委員會得邀請政府人員及社會上有關係人員到會備詢
(C)立法院開會時，關係院院長及各部會首長得列席陳述意見
(D)立法院於每年集會時，得聽取總統國情報告並質詢
- 9 有關大法官審理總統、副總統彈劾案，下列敘述何者正確？
(A)監察院調查確認總統、副總統有貪瀆之情事，經全體監察委員四分之三同意後，得向大法官提起彈劾總統、副總統
(B)大法官審理總統、副總統彈劾案，準用解釋憲法之程序
(C)宣告彈劾成立之判決，其評決應經大法官現有總額三分之二以上同意
(D)宣告彈劾成立之判決主文，應諭知被彈劾人於收到決定書後立即解除職務
- 10 關於中央與地方關係，下列敘述何者正確？
(A)中央對於地方機關自治事項，得監督其適用中央法規有無恣意濫用
(B)中央對於地方機關自治事項，得進行合目的性監督
(C)中央對於地方機關委辦事項之監督，地方機關得提起行政救濟
(D)自治規則與上級自治團體自治規則牴觸者，無效
- 11 有關法規廢止，下列敘述何者錯誤？
(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)法律或命令之廢止，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，算至第三日起失效
(D)法規定有施行期限者，自主管機關公告之日起，算至第三日起失效
- 12 下列有關類推適用之敘述，何者錯誤？
(A)類推適用是一種針對立法者疏忽所造成之法律漏洞加以填補的方法，而非法律解釋之方法
(B)類推適用係基於法理上「相類似之案件，應為相同之處理」之平等原則要求，而為之法律適用方法
(C)類推適用廣見於一般之民事、刑事及行政案件之中
(D)類推適用方法，在中國古代被稱之為「比附援引」
- 13 下列何者不適用行政程序法？
(A)私立大學對違反校規之學生予以退學處分
(B)行政機關與人民訂定某建物的租賃契約，以作為辦公處所之用
(C)主管機關為訂定法規命令，而於網路上公告該法規命令的草案
(D)直轄市政府之主管機關，處理人民對某案件的陳情

- 14 行政機關依法有裁量之權限，但因故意或過失而消極的不行使裁量權，此一情形稱為：
(A)裁量濫用 (B)裁量逾越 (C)裁量怠惰 (D)裁量收縮至零
- 15 依我國著作權法規定，有關著作的平行輸入與權利耗盡原則，下列敘述何者正確？
(A)甲在我國境內取得一幅名畫之真跡原件所有權，得將之高價轉售予他人
(B)乙在我國境內購買經合法重製之電腦程式光碟片，得將之出租予他人
(C)丙於出國旅遊時購入同一繪本的合法重製物 3 本，連同行李一起攜回我國，只要其目的是為供個人利用之目的，不視為侵害著作權
(D)丁明知為侵害著作財產權之電腦程式光碟片，仍將之出借給不特定多數人，只要丁沒有藉此營利，不視為侵害著作權
- 16 有關勞動基準法之工資規範，下列敘述何者錯誤？
(A)工資之給付，應以法定通用貨幣為之，不得於勞動契約內訂明一部以實物給付之
(B)工資應全額直接給付勞工
(C)雇主不得預扣勞工工資作為違約金或賠償費用
(D)雇主對勞工不得因性別而有差別之待遇。工作相同、效率相同者，給付同等之工資
- 17 下列關於家庭暴力防治法中保護令之審理與核發，何者正確？
(A)法院於通常保護令審理終結前，得不經審理程序核發暫時保護令
(B)法院得進行調解或促成和解
(C)若被害人已對相對人提起刑事告訴，於判決確定前，法院得停止程序
(D)通常保護令之有效期限為 2 年以下，延長以 1 次為限
- 18 受刑人甲因罹患疾病而移送醫院，住院期間，甲身體狀況漸入佳境，遂趁戒護人員暫離時，屢次向護理師表示想回家看看老父老母。某日甲向護理師乙商借迴紋針說要掏耳朵，乙不覺有異，遞上迴紋針。甲趁夜半人靜時用迴紋針解開械具，離開醫院。下列敘述何者正確？
(A)乙的行為構成過失縱放人犯罪
(B)甲之行為係損壞械具而脫逃，成立刑法第 161 條第 2 項加重脫逃罪
(C)脫逃罪是舉動犯，只要開始嘗試脫離公權力之拘束或監督，即成立既遂犯罪
(D)如甲在離開醫院的途中遭到圍捕而未成功脫逃，其行為雖屬未遂，仍應加以處罰
- 19 以我國為例，關於大陸法系之敘述，下列何者錯誤？
(A)具備成文法典 (B)採取公、私法二元制度
(C)無習慣法適用之餘地 (D)重視法釋義學
- 20 甲將名貴 A 錶無償交予乙配戴一週，乙使用時不慎遺失該錶而被路人丙拾得，丙隨即將之贈與給善意不知情的丁。下列敘述何者正確？
(A)甲、乙間成立 A 錶的租賃契約 (B)丙因拾獲 A 錶而直接取得該錶之所有權
(C)丙將 A 錶贈與丁之物權行為無效 (D)丁得主張善意受讓取得 A 錶之所有權
- 21 有關中共解放軍的區域規劃，下列敘述何者正確？
(A)針對北京地區的防務是北部軍區 (B)針對臺灣的國防事務是南部戰區
(C)中共目前總共有五大戰區 (D)中共目前總共有八大軍區
- 22 中共與中亞國家的合作組織是：
(A)一帶一路發展組織 (B)西安發展組織 (C)博鰲論壇 (D)上海合作組織

- 23 對於中共外交體制與人事的敘述，下列何者正確？
(A)當前中共外交政策的最高決策機構是「中共中央外事工作領導小組」
(B)中共的「中央對外聯絡部」是負責政黨外交
(C)當前「中共中央外事工作領導小組」的組長是習近平
(D)中共的「中央對外聯絡部」與「外交部」是「兩塊招牌，一套人馬」
- 24 習近平在 2012 年上台後的外交戰略被外界稱為：
(A)戰狼外交 (B)韜光養晦外交 (C)大國外交 (D)等距外交
- 25 有關「台企聯」的敘述，下列何者錯誤？
(A)全名是「台灣企業聯合會」
(B)業務主管單位是中共國務院台灣事務辦公室
(C)中共國務院台灣事務辦公室主任擔任榮譽會長
(D)為在中國大陸各地台商協會的最高組織，設在北京
- 26 2014 年發生的「太陽花學運」，是因為大學生不滿兩岸簽署什麼協議？
(A)兩岸經濟協作協議 (B)海峽兩岸製造業合作協議
(C)海峽兩岸服務貿易協議 (D)兩岸投資保障協議
- 27 有關中共政協制度的敘述，下列何者錯誤？
(A)各省、自治區、直轄市、縣、市都設有相關單位
(B)一屆是五年，現任主席是王滬寧
(C)在中央的全名是「中華全國政治協調委員會」
(D)該單位的職能強調「參政議政」與「民主監督」
- 28 從 2015 年以來中共所推動的宗教政策，下列敘述何者錯誤？
(A)拆除伊斯蘭教的圓頂塔樓建築 (B)以「宗教中國化」為主軸
(C)允許教廷在中國大陸推動天主教相關事務 (D)國家宗教事務局併入中共中央統一戰線工作部
- 29 中國大陸的人口問題與政策不包括下列那一項？
(A)人口老化嚴重 (B)仍推動「一胎化」政策
(C)少子化問題嚴峻 (D)男女性別比例失調
- 30 習近平執政以來的經濟政策，下列敘述何者錯誤？
(A)一帶一路（絲綢之路經濟帶與 21 世紀海上絲綢之路）
(B)國退民進（國營企業退出，民營企業進入）
(C)亞洲基礎設施投資銀行
(D)人民幣的國際化
- 31 It was _____ that very day even though we had the fan rattling behind us.
(A) rollicking (B) stifling (C) rummaging (D) rumbling
- 32 If your skin type is _____ oily, the pores around the T-zone would produce the most oil and tend toward blackhead formation.
(A) prehistorically (B) predominantly (C) predictably (D) preeminently
- 33 The news of the forest fire filled them with _____ because they had just had a good vacation there.
(A) dismay (B) relief (C) turbulence (D) lucidity
- 34 After their general had been captivated, the enemy troops were forced to _____ after months of intense fighting.
(A) survive (B) weather (C) surrender (D) withstand

- 35 Many successful leaders believe that a _____ approach should be taken in order to solve complex problems, with feasible solutions often being preferred over more idealistic ones.
(A) resilient (B) resistant (C) pragmatic (D) precarious
- 36 The thriller movie had the audience on the _____ of their seats, who eagerly anticipated the next twist and turn in the plot.
(A) ledge (B) surface (C) edge (D) corner
- 37 We were told about the meeting just one day before. Our report was prepared in such a _____ and contained several mistakes.
(A) stupor (B) privilege (C) haste (D) torment
- 38 Instead of treating you like an expert, some caring and sympathetic doctors would give you more _____ explanations.
(A) ambiguous (B) furious (C) portable (D) comprehensible
- 39 Autumn for Max is a _____ season and it easily brings about his deeper feelings and thoughts of just about anything.
(A) compulsory (B) legitimate (C) negligible (D) sentimental
- 40 In Japan, combined junior high and senior high schools are mostly _____, but the number of public ones is increasing.
(A) collective (B) communal (C) shared (D) private
- 41 Patricia's recent behaviors have become so _____ that nobody can really understand what she is doing.
(A) integral (B) lavish (C) obscure (D) relevant
- 42 I enjoy going to see musicals at the theater because the live performances and music are very _____ to me.
(A) captious (B) captivating (C) precarious (D) preventive
- 43 Uncle Jones is always a bit _____; therefore, his relatives and acquaintances keep him at a great distance.
(A) proficient (B) elastic (C) decent (D) eccentric
- 44 We can see many coral reefs occur in shallow water where the sun provides _____ energy for them to grow rapidly.
(A) lucrative (B) abundant (C) exuberant (D) modest
- 45 The retired aircraft will be _____ and some of its parts can be reused in other airplanes.
(A) detoured (B) dismantled (C) diminished (D) descended

請依下文回答第 46 題至第 50 題：

When he moved from South Africa to New York City, Norman Rosenthal, a psychiatrist, noticed he felt more depressed during the cold, short days of the city's winters than he had in his home country. Years later, he published the first paper to scientifically name the winter blues: Seasonal Affective Disorder (SAD). Subsequent studies have found that the seasonal depression affects those in northern latitudes more and that about 10 percent of SAD sufferers have symptoms in the summertime instead.

The most commonly reported symptoms of winter depression are hypersomnia, the desire to sleep more than usual, as well as an increased appetite and lack of interest in things. According to experts, most people experience symptoms in young adulthood, but SAD can begin at any stage of life. The condition also varies by sex. About three times as many women as men get SAD.

But why does less daylight make some people clinically depressed? One leading theory is that the change in daylight disrupts our bodies' release of melatonin, a hormone the brain releases every night to promote sleep. As the supply of daylight dwindles in winter, melatonin may wear off later. That means in the morning the body is still in a state of biological night. As for summer SAD, triggers might include the heat and humidity. Instead of feeling lethargic, summer SAD patients more often feel irritable and agitated.

Experts say a professional diagnosis is a crucial first step toward treatment and self-diagnosis is not suggested. One common treatment is sitting in front of a bright box of light for 30 minutes to signal to the body that it's time to wake up. But the drawback to light boxes is that they only work on the day that you use them, so you need to use them daily. Another treatment that may have longer lasting benefits is Cognitive Behavioral Therapy (CBT), a form of talk therapy. As negative thinking tends to breed negative emotions, CBT aims to encourage more neutral thoughts. For example, "I hate winter" might be reframed as "winter isn't my favorite season, but I still find things to enjoy." Moreover, finding wintertime hobbies may also help. People with SAD often have hobbies that are summer specific, such as growing gardens or beach going. Instead of hibernating under a blanket, people are encouraged to find indoor hobbies, such as knitting, reading, or going to the gym, to boost their mood. Whether using light or talk therapy, there is no reason to not seek mental health treatment, even if symptoms are only present for a few months out of the year.

- 46 According to the passage, what prompted Norman Rosenthal to study seasonal depression?
- (A) His patients' symptoms.
 - (B) His personal experiences.
 - (C) Problems of previous studies.
 - (D) Rising cases of New York City adults.
- 47 According to the passage, what has to be done before receiving SAD treatments?
- (A) Getting a good light box.
 - (B) Talking to family or friends.
 - (C) Seeking a professional diagnosis.
 - (D) Comparing the effects of different treatments.
- 48 According to the passage, which of the following is NOT helpful in treating SAD?
- (A) Using light boxes daily.
 - (B) Being indoors and resting in winter.
 - (C) Regulating the production of melatonin.
 - (D) Changing the way people think.
- 49 Which of the following is closest in meaning to the word "lethargic" in the passage?
- (A) Guarded.
 - (B) Furious.
 - (C) Inactive.
 - (D) Superior.
- 50 According to the passage, which of the following statements is true?
- (A) SAD affects men more than women.
 - (B) Summer SAD is less common than winter SAD.
 - (C) Winter depression is often triggered by humidity.
 - (D) Sufferers of winter depression are likely to lose appetite.