

111 年特種考試地方政府公務人員考試試題

等 別：三等考試

類 科：各類科

科 目：法學知識與英文（包括中華民國憲法、法學緒論、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)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，關於學術自由，下列敘述何者錯誤？
(A)學術自由包含研究自由、教學自由與學習自由 (B)大學自治是對於學術自由之制度性保障
(C)大學不得設置任何共同必修科目 (D)大學依法律受國家之監督
- 2 若法律之規定，對受規範者而言雖非難以理解，但其適用範圍仍有模糊難明之處，係違反下列何原則？
(A)授權明確性原則 (B)法律明確性原則 (C)信賴保護原則 (D)法律保留原則
- 3 政府為避免無殼蝸牛無力購買房屋自住，採取打壓炒房措施，此係依據我國憲法第 142 條之何項基本原則？
(A)民族主義 (B)民權主義 (C)民生主義 (D)國民主權
- 4 刑事訴訟法第 122 條規定：「對於被告或犯罪嫌疑人之身體、物件、電磁紀錄及住宅或其他處所，必要時得搜索之」。這裡所謂對於犯罪嫌疑人「身體之搜索」，以及對其「住所之搜索」，各干預了何種基本權？
(A)身體搜索涉及隱私權，住所搜索涉及居住自由
(B)身體搜索涉及人身自由，住所搜索涉及居住自由
(C)身體搜索涉及遷徙自由，住所搜索涉及居住自由
(D)身體搜索涉及人身自由，住所搜索涉及遷徙自由
- 5 依司法院大法官解釋意旨，國家應提供各種給付，以保障人民得維持合乎人性尊嚴之基本生活需求，係為實現何種憲法要求？
(A)制度性保障 (B)自由權之維護 (C)促進民生福祉 (D)組織及程序保障
- 6 我國憲法第 17 條明定，人民有選舉、罷免、創制及複決之權。依司法院大法官解釋之意旨，下列敘述何者錯誤？
(A)民意代表候選人之參選學歷限制仍有其必要，為立法者設定之合理條件
(B)政黨推薦之候選人得減半繳納保證金之規定，無助於政黨政治之健全發展，違反平等原則
(C)在校肄業之學生依法不得登記為候選人，已對人民參政權形成過度限制，違反比例原則
(D)無政黨推薦之總統、副總統選舉候選人須繳納連署保證金，是為避免耗費社會資源，並無違反平等原則
- 7 依司法院大法官解釋意旨，下列何者應適用嚴格標準予以審查？
(A)關於由監獄長官檢查受刑人發受書信，以確認有無違禁品之規定
(B)關於公務員於其離職後 3 年內不得擔任與其離職前 5 年內之職務直接相關之職位規定
(C)關於具外國國籍者不得擔任以公務人員身分任用之公立醫療機構醫師之規定
(D)關於對性犯罪者於刑後施以強制治療之規定
- 8 依司法院大法官解釋之意旨，下列何者不受憲法表意自由之保障？
(A)藥商甲於網路上刊播經衛生主管機關核准之藥物廣告
(B)乙未經主管機關許可，於公共場所緊急舉行集會遊行
(C)丙欲申請設立主張共產主義之人民團體
(D)丁對他人可受公評但未確信其為真實之事，為不利之事實陳述
- 9 關於基本權之發展，下列敘述何者正確？
(A)基本權利的保障方式，向來都是直接明定於憲法規範中
(B)基本權不只受國內法保障，也受國際法之保障
(C)基本權一開始就以任何人獲得合乎人性尊嚴之生存為本
(D)基本權僅限於以建立跨國組織之連帶關係為規範主軸
- 10 對於立法及立法權之敘述，下列何者錯誤？
(A)憲法本文中，監察院與國民大會亦屬於民意機關
(B)地方自治團體亦具有地方自治之立法權
(C)立法委員與人民之關係同時兼具強制委任與自由委任之性質
(D)人民藉由創制、複決，而直接參與立法，係對於代議民主之補強

- 11 關於行政院院長與行政院組織，下列敘述何者錯誤？
 (A)行政院院長為行政首長 (B)行政院因設置行政院會議，因此為合議制
 (C)行政院院長由總統單獨任命 (D)行政院院長無憲法規定之任期規定
- 12 依憲法增修條文規定，考試院不掌理下列何種事項？
 (A)公務人員撫卹之法制事項 (B)公務人員退休之執行事項
 (C)公務人員考績之執行事項 (D)公務人員保障之法制事項
- 13 依司法院大法官解釋意旨，有關法官與法院之定義，下列敘述何者正確？
 (A)廣義之法院，即行使審判權之機關，即訴訟法上意義之法院
 (B)狹義之法院則指國家為裁判而設置之人及物之機關，即組織法上意義之法院
 (C)法條本身若明定為「法官」，關於審判權行使之事項，其所謂之法官不當然即等於法院
 (D)就審判之訴訟程序而言，法院（狹義法院）實與法官同義，均係指行使審判權之機關
- 14 下列何者是憲法訴訟法明文規定之憲法法庭審理標的？
 (A)關於適用憲法發生疑義之事項
 (B)關於主管機關應適用何等法律發生疑義之事項
 (C)關於法律或命令有無牴觸憲法之事項
 (D)關於省自治法縣自治法省法規及縣規章有無牴觸憲法之事項
- 15 下列何者非屬我國地方自治團體所具有之權限？
 (A)自治規章制定權 (B)稅收與財政自主權 (C)土地設計與規劃權 (D)人事及官等設置權
- 16 有關法律之意義，下列敘述何者錯誤？
 (A)是社會生活上人和人間關係之規範 (B)以正義為其存在之基礎
 (C)有權執行法律之機構僅以法院為限 (D)以國家之強制力為其實施之手段
- 17 現行民法規定子女均為父母之繼承人，但社會上仍存在女兒被要求「拋棄」對於父母的遺產繼承權之現象。下列敘述何者最適合解釋此種現象？
 (A)女兒經濟能力較好 (B)法律繼受與法社會之落差
 (C)女兒較沒有法律常識 (D)女兒較貼心不會帶給父母負擔
- 18 我國民法第 88 條第 1 項規定，意思表示之內容有錯誤，或表意人若知其事情即不為意思表示者，表意人得將其意思表示撤銷之。但以其錯誤或不知事情，非由表意人自己之過失者為限。民法第 89 條規定，意思表示，因傳達人或傳達機關傳達不實者，得比照前條之規定撤銷之。民法第 89 條所稱之比照，係屬何種法律解釋方法？
 (A)文義解釋 (B)目的解釋 (C)準用 (D)目的性擴張
- 19 關於正犯與共犯，下列敘述何者正確？
 (A)關於共犯處罰的理論基礎，我國原則上採從屬性說，例外採獨立性說
 (B) A 教唆 B 去幫忙正犯 C 實行犯罪行為，A 成立教唆犯
 (C)正犯須知悉有幫助行為存在，幫助者始成立幫助犯
 (D)我國刑法總則沒有間接正犯的明文規定
- 20 警員甲發覺轄區外的隔壁縣市有應召站，應召站老闆乙發現甲疑似警員，遂上前表示願意給甲一些好處，希望甲可以高抬貴手，不要通報或調查。甲見乙誠意十足，接受應召站提供的性服務，便裝作沒有這回事，而未予通報、調查。試問下列敘述，何者正確？
 (A)應召站不在甲的轄區，通報或調查並非甲之職務行為，甲不成立犯罪
 (B)性服務並非經濟上利益，故甲不成立犯罪
 (C)乙雖非公務員，但仍成立公務員受賄罪之共同正犯
 (D)甲就隔壁轄區的應召站仍有依法調查或通報之職責，甲違背此項職務，接受性服務，成立違背職務受賄罪
- 21 消費者保護法中關於消費者保護團體之規定，下列敘述何者錯誤？
 (A)消費者保護團體以財團法人為限
 (B)消費者保護團體得請求政府協助其關於商品之調查與檢驗
 (C)經行政院評定為優良之消費者保護團體方能進行團體訴訟
 (D)消費者保護團體得從事商品之檢驗並得發表其檢驗結果
- 22 下列何者非勞動基準法上之工作時間？
 (A)子女未滿 1 歲須女工親自哺乳者，勞工每日 2 次、一次 30 分鐘之哺乳時間
 (B)勞工與雇主約定在家工作，繼續工作 4 小時後，為 30 分鐘之休息時間
 (C)在坑道或隧道內工作之勞工，繼續工作 4 小時後，為 30 分鐘之休息時間
 (D)勞工往返同一雇主所屬不同事業場所工作間所必要之交通時間
- 23 下列有關性別工作平等法「育嬰留職停薪」規定之敘述，何者錯誤？
 (A)受僱者於育嬰留職停薪期滿後，申請復職時，雇主應回復受僱者申請育嬰留職停薪時之原有工作
 (B)受僱者依家事事件法等相關規定與收養兒童先行共同生活，在其共同生活期間得申請育嬰留職停薪
 (C)雇主只要有歇業、虧損或業務緊縮等情況，在受僱者育嬰留職停薪期滿申請復職時，得予以拒絕
 (D)受僱者於育嬰留職停薪期間，得繼續參加原有之社會保險，原由受僱者負擔之保險費，得遞延 3 年繳納

- 24 地方自治團體為維護環境，訂定景觀維護自治條例，並訂有罰則，下列敘述何者正確？
(A)報中央主管機關轉行政院備查，受合法性及適當性之監督
(B)報請行政院及中央主管機關核定，受合法性及適當性之監督
(C)報請行政院及中央主管機關核定，僅受合法性監督
(D)報中央主管機關轉行政院備查，僅受合法性監督
- 25 依我國法制，下列何者屬獨立機關？
(A)行政院消費者保護委員會 (B)國家安全局
(C)國家發展委員會 (D)國家通訊傳播委員會
- 26 有學說認為限制民調發布期間從投票前 10 日起算實屬過長，且罰鍰金額最低為 50 萬元亦屬過於嚴苛，已違反憲法基本原則。試問，上述主張之主要依據應為下列何原則？
(A)比例原則 (B)平等原則 (C)禁止溯及既往原則 (D)法律保留原則
- 27 類推適用是一種法律漏洞的填補方法，其適用過程，最重視下列何項法律原則？
(A)不溯及既往 (B)平等原則 (C)明確性原則 (D)誠信原則
- 28 下列那一種物權不涉及從屬性原則？
(A)抵押權 (B)動產質權 (C)地上權 (D)留置權
- 29 甲所養之 A 貓（價值 2 萬元）被乙故意開車撞死。下列敘述，何者錯誤？
(A)乙對甲構成侵權行為
(B)甲得向乙請求 2 萬元之損害賠償
(C)甲應於知悉乙撞死貓時起，於 2 年內請求損害賠償
(D)甲得於乙撞死貓時起，超過 15 年仍得請求損害賠償
- 30 數人負同一債務，明示或依法律規定，對於債權人各負全部給付之責任者，為連帶債務。關於連帶債務，下列敘述何者錯誤？
(A)因連帶債務人中之一人為清償而債務消滅者，他債務人亦同免其責任
(B)連帶債務人中之一人受確定判決，即使其判決基於該債務人之個人關係者，為他債務人之利益，亦生效力
(C)債權人對於連帶債務人中之一人有遲延時，為他債務人之利益，亦生效力
(D)連帶債務之成立，以當事人明示或法律有規定者為限
- 31 With advances in digital and information technology, the healthcare sector can _____ on the use of big data analytics.
(A) capitalize (B) tantalize (C) verbalize (D) vandalize
- 32 Long time ago, books were a scarce commodity in Europe. Each new copy of a text needed to be _____ duplicated from an earlier edition by hand.
(A) ineffectually (B) laboriously (C) uneventfully (D) carelessly
- 33 This _____ transnational enterprise is well-known for offering a wide range of services.
(A) multifaceted (B) volatile (C) constricted (D) relentless
- 34 The helpless critic _____ his anger in a furious letter to the newspaper.
(A) made out (B) consumed (C) derived (D) gave vent to
- 35 It was impossible to sue them for _____ the contract because the deadline for finishing the project had not been specified.
(A) reimbursing (B) bailing (C) breaching (D) receiving
- 36 The game is a typical open-world action game, with a huge city to explore, an _____ number of collectibles to find, and lots of bad guys to beat up.
(A) obscene (B) obsolete (C) oily (D) obese
- 37 Studies show that how a teacher _____ his classroom assessment policies not only influences what students learn but also how they learn.
(A) achieves (B) prolongs (C) implements (D) succeeds
- 38 Bruce _____ the order of the court by going near his wife and abusing her one more time until she was wounded.
(A) darted (B) decreed (C) deduced (D) defied
- 39 The coastline in this country has become a joyful _____ for enthusiastic surfers who love going around different ideal spots for surfing.
(A) haste (B) haul (C) haven (D) hazard
- 40 People see the woman in white as rather _____ because she often wanders around the street holding scissors and cutting off the leaves from the trees along the road.
(A) barren (B) captive (C) decent (D) eccentric

請依下文回答第 41 題至第 45 題：

The relationship between high heels and power depends on the historical time and place. In fact, they were originally worn to convey 41. The heel was introduced to Europe from Asia in the late 16th century, and was originally worn by men for horse riding because the heel 42 the foot in the stirrup when riding. 43 in the European mind with the military strength of Persia, the heel was enthusiastically adopted by men, and only later worn by 44. Louis XIV, who ruled France between 1643 and 1715, was one of the first heel influencers. His ornate shoes were 45 any physical exertion – therefore emphasizing his powerful status.

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|----|--------------------|------------------------|------------------------|--------------------------|
| 41 | (A) capitalism | (B) masculinity | (C) femininity | (D) consumerism |
| 42 | (A) surrounded | (B) seduced | (C) secured | (D) seasoned |
| 43 | (A) Decorated | (B) Organized | (C) Associated | (D) Consumed |
| 44 | (A) men and boys | (B) horses and riders | (C) women and children | (D) Europeans and Asians |
| 45 | (A) unsuitable for | (B) uncontrollable for | (C) supportive of | (D) disposed of |

請依下文回答第 46 題至第 50 題：

When you're feeling low, it's easy to convince yourself to stay there. After all, how can you fall when you're already on the ground? Nevertheless, your heart wants to heal so give it what it wants. Thus, help yourself get back on your feet with these five self-care tips when you're feeling broken.

First, step outside for some fresh air. Whether you're still a student in school or constantly working in front of a computer, it's easy to feel congested by deadlines, projects and never-ending tasks. Make use of your mornings, lunch breaks and evenings when you're off the clock to step outside for walks, which will help clear your head and improve your mood. Furthermore, spending time outdoors also helps improve our concentration. Even if you can't step outside right away, just crack open a window when you can and allow nature to heal you.

Second, take a nap. When we don't get enough sleep, our moods can take a turn for the worse and spiral down into an endless abyss. If you're feeling cranky from exhaustion, take some time, even if it's just half an hour to curl up on the couch and close your eyes. Once you wake up, you'll feel better rested and you'll make up for lost time by carrying out your daily tasks with a fresh and sharp mind.

Third, allow yourself to be ordinary. We are all perfectly imperfect. Take a break from using Instagram filters and Facebook posts that show your life only at its best. Social media is a place where we can share our favorite moments with others but it has also become a platform where people feel pressured to compete with others. Sometimes, it feels more like a beauty pageant instead of a second home. Your sense of self is worth more than a digitalized reputation, embrace your flaws and allow yourself to be average, simple and sincere is always better.

Fourth, clean and give your space a makeover. Cleaning doesn't have to be overly excessive to make a difference. Whether it means organizing your bookshelf or clipping your favorite photos onto the wall, changes, big or small can enhance the atmosphere. After all, you spend a lot of time in your space. Giving it some love and attention can go a long way.

Fifth, reach out and tell someone about what you've been going through. Feeling down often leads to shutting down. We fear burdening others and as this develops into a habit, we suffer silently making it harder to heal. Don't feel ashamed about your struggles, sometimes you just need someone to hear your story, and you'd be surprised with how much people understand you.

- 46 What is the main idea of this passage?
- | | |
|--|--------------------------------------|
| (A) How to deal with depressed emotions. | (B) How to go on a trip on your own. |
| (C) How to develop a relationship with a friend. | (D) How to behave yourself. |
- 47 According to the passage, if you want to step out to nature but cannot go out right away, what could you do?
- | | |
|---------------------------------------|-------------------------|
| (A) Draw a picture of nature scenery. | (B) Just forget it. |
| (C) Use Instagram or Facebook. | (D) Just open a window. |
- 48 Which of the following is closest in meaning to the word "cranky"?
- | | | | |
|-----------------------|------------------------|---------------------------|----------------------|
| (A) Annoyed or upset. | (B) Unique or unusual. | (C) Twisted or distorted. | (D) Stupid or silly. |
|-----------------------|------------------------|---------------------------|----------------------|
- 49 According to the passage, which of the following is NOT true?
- | |
|--|
| (A) Stepping outside for walks can help clear your head and improve your mood. |
| (B) It is important to keep cleaning your room and always keep it tidy. |
| (C) Don't be too critical of yourself and just be yourself. |
| (D) Sometimes you need to express your stories to others. |
- 50 Mary failed her test and was really upset. According to the passage, which of the following measures may NOT help her feel better?
- | | |
|---|--|
| (A) Take Mary out for a walk in the woods. | (B) Chat with Mary and let her express her feelings. |
| (C) Tell Mary to calm down and keep working hard. | (D) Suggest that Mary take a rest for a while. |