

113年公務人員特種考試司法人員、法務部調查局
調查人員及海岸巡防人員考試試題

考試別：司法人員、海岸巡防人員

等別：三等考試

類科組：各類科組

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)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 下列何者並非憲法法治國原則之內涵？
(A)依法行政原則 (B)基本權的保障 (C)定期選舉 (D)權力分立原則
- 2 關於憲法基本國策土地利用之規定，下列敘述何者錯誤？
(A)私有土地應照價納稅，政府並得照價收買
(B)附著於土地之礦產屬於國家所有，但人民依法取得土地所有權後，附著於該土地之礦產所有權亦歸該人所有
(C)國家應規劃土地利用，開發農業資源，促成農業之工業化
(D)土地價值非因施以勞力資本而增加者，應由國家徵收土地增值稅，歸人民共享之
- 3 關於憲法第 10 條規定人民有居住、遷徙自由之保障範圍，下列何者所受限制最大？
(A)設定住居所 (B)本國人及外國人出境
(C)往來國內各地 (D)本國人及外國人入境
- 4 有關言論自由之保障，下列敘述何者正確？
(A)甲欲透過焚燒旗幟來表達對政府的抗議，這樣的行為無涉言論自由之保護
(B)猥褻言論之目的雖在傳達性的訊息，仍受言論自由之保護
(C)針對言論內容所做的管制規定，應與針對言論的時間與地點所做的管制規定，採相同的審查標準
(D)憲法對於言論自由之應有保障，僅針對積極權利行使之表意自由，不包括消極的不為表意之自由
- 5 依社會救助法規定，低收入戶得申請生活扶助，此涉及何種基本權利？
(A)工作權 (B)人身自由權 (C)生存權 (D)適足居住權
- 6 大法官解釋曾宣告國軍老舊眷村改建條例之部分規定違憲，主要係違反下列那項原則？
(A)法律保留原則 (B)信賴保護原則 (C)法律明確性原則 (D)平等原則
- 7 有關租稅法律主義，依大法官解釋之意旨，下列敘述何者錯誤？
(A)租稅構成要件應以法律定之
(B)租稅主體、租稅客體、稅基、稅率應以法律定之
(C)稅捐稽徵之程序，應以法律定之，除有明確之法律授權，不得以命令為不同規定
(D)給予人民減免稅捐之優惠，非增加人民負擔，得由稅捐機關逕以命令定之
- 8 依大法官解釋及憲法法庭判決，有關憲法第 22 條所保障之其他自由權利，下列敘述何者錯誤？
(A)跨國（境）婚姻媒合不得要求或期約報酬，有違憲法第 22 條所保障契約自由之意旨
(B)刑法通姦罪，係對憲法第 22 條性自主權之限制
(C)對汽車肇事駕駛人強制實施血液酒精濃度測試，構成身體權及資訊隱私權之重大限制
(D)以子女是否從原住民身分之父或母姓氏，為取得原住民身分之要件，侵害憲法第 22 條保障之原住民身分認同權
- 9 依相關大法官解釋及憲法法庭裁判，有關人格權之保障，下列敘述何者錯誤？
(A)姓名權為人格權之一種
(B)名譽權之保障亦在維護個人人格權
(C)為保護少年人格權，國家負有特別保護義務
(D)寵物因他人侵害致死，亦屬對飼主人格權之侵害
- 10 有關總統之刑事豁免權，下列敘述何者正確？
(A)若發現總統有犯罪嫌疑者，得為必要之證據保全
(B)不得因他人刑事案件而對總統為證據調查與證據保全
(C)得對總統身體進行鑑定
(D)總統無於他人刑事案件為證人之義務
- 11 依憲法及增修條文之規定，下列何者須由行政院院長副署？
(A)總統公布法律案 (B)總統發布解散立法院之命令
(C)總統任命考試院考試委員 (D)總統發布審計長免職之命令

- 12 依憲法及司法院大法官解釋，有關立法院召開臨時會，下列敘述何者錯誤？
(A)經總統之咨請，得開臨時會
(B)立法委員 4 分之 1 以上之請求，得開臨時會
(C)不信任案不得於為其他特定事項召開之立法院臨時會提出
(D)憲法第 69 條僅規範立法院臨時會召開之程序，並未限制臨時會得審議之事項
- 13 下列何者並非憲法第 80 條審判獨立所適用之對象？
(A)行政法院法官 (B)司法院大法官 (C)檢察官 (D)懲戒法院法官
- 14 有關法院聲請釋憲之程序，下列敘述何者錯誤？
(A)於憲法訴訟法施行前，聲請依據為司法院釋字第 371、572、590 號解釋
(B)法院於審理案件時，對於應適用之判例，認為有牴觸憲法之疑義者，得聲請解釋
(C)已明文規定於憲法訴訟法第 55 條
(D)法院於審理案件時，得認定命令為違憲而逕行拒絕適用
- 15 有關中央與地方自治事項之權限劃分，下列敘述何者錯誤？
(A)有關地方自治及中央與地方如何分權，憲法及憲法增修條文已分別就中央、省、縣之立法及執行事項，設有明文
(B)直轄市之自治事項，憲法或其增修條文均無明文規定予以直接保障，而係以憲法規定授權立法院以法律定之
(C)憲法除明定專屬中央立法之事項外，並同時明定有專屬地方，且中央不得干預之立法或執行事項
(D)監督地方自治之中央主管機關依地方制度法規定，就牴觸中央法律之自治法規，得函告無效或不予核定
- 16 農業部就動物保護法第 20 條第 2 項規定之具攻擊性之寵物為何，發布公告加以定義，係屬下列何種解釋？
(A)立法解釋 (B)行政解釋 (C)司法解釋 (D)學理解釋
- 17 下列何者為適用勞動基準法之勞工？
(A)受委任工作者 (B)派遣勞工 (C)自營作業者 (D)實際從事勞動之雇主
- 18 大法官解釋宣告舊刑法第 239 條通姦罪違憲，下列何者與大法官解釋意旨不相符？
(A)刑罰對於通姦及相姦行為，無法產生嚇阻之效力
(B)通姦違反婚姻忠誠義務，但尚不至明顯損及公益，國家非必須使用刑罰
(C)對於通姦及相姦之追訴、審判過程，對個人之隱私權干預程度重大
(D)國家權力介入婚姻，可能會對於婚姻關係產生負面影響
- 19 直轄市市長若犯內亂、外患或貪污罪，經判決確定者，行政院應予：
(A)停止職權 (B)暫時休職 (C)解除職務 (D)調任非主管職務
- 20 依司法院大法官解釋意旨，關於法律明確性之敘述，下列何者正確？
(A)立法上不得運用概括條款，否則即有違法律明確性原則
(B)為求明確，行政處分僅限於以書面為之
(C)法規範之涵義於個案中不得由適當組成、立場公正之機構決定
(D)只要法規範意義非難以理解，為受規範者可預見，可經由司法審查加以確認，即不違反法律明確性原則
- 21 下列何者非屬憲法或憲法增修條文明定，須依據法律獨立行使職權者？
(A)監察委員 (B)法官 (C)考試委員 (D)國家通訊傳播委員會主任委員
- 22 依司法院釋字第 775 號解釋，下列敘述何者錯誤？
(A)刑法第 48 條前段「裁判確定後，發覺為累犯者，依前條之規定更定其刑。」之規定與憲法一事不再理原則有違
(B)累犯加重本刑部分，不生違反憲法一行為不二罰原則之問題
(C)刑法第 47 條第 1 項之規定累犯不分情節，一律加重最低本刑，不符憲法罪刑相當原則
(D)累犯加重本刑之規定，與憲法意旨有違，自司法院釋字第 775 號解釋公布之日起失其效力
- 23 有關「刑」的敘述，下列何者正確？
(A)主刑有四種，分別為死刑、無期徒刑、有期徒刑、罰金
(B)褫奪公權係褫奪為公務員之資格、為公職候選人與選舉人之資格
(C)無期徒刑不得假釋
(D)有期徒刑執行未滿六個月者，不得假釋
- 24 甲挑選十位當代文學作家的著作，彙整為「當代文學十大名家作品集」(以下簡稱為「A 作品集」)一書。甲就所收錄作品的選擇及編排頗具巧思，具有創作性。依我國著作權法，下列敘述何者錯誤？
(A)A 作品集為編輯著作，可獨立受著作權法保護
(B)乙出版社擬出版 A 作品集時，除應取得甲之同意外，尚應取得所收錄個別作品之著作權人同意
(C)若丙擅自重製 A 作品集的其中一篇個別作品，僅侵害該個別作品之著作權，未侵害甲的權利
(D)若丁擅自重製整本 A 作品集，僅侵害各該個別作品之著作權，未侵害甲的權利
- 25 下列那一種權利或法益受侵害時，不得請求慰撫金？
(A)自由權 (B)人格權 (C)財產權 (D)身分法益

- 26 下列收養情況，何者原則上係得撤銷？
(A) 8 歲的甲出養給丙，未經其監護人乙之同意
(B) 甲與其最小的姑姑乙年齡相仿，乙未婚生一子 A，交由甲收養
(C) 甲與乙育有一子 A，甲乙離婚後，由甲行使親權，乙僅有會面交往權；乙每月均有給付 A 子扶養費；甲再婚後，未經乙同意，將 A 出養給新配偶丙
(D) 甲婚前育有一子 A，甲、乙結婚後，乙收養 A，乙與 A 相差 15 歲
- 27 關於取得時效，下列敘述何者錯誤？
(A) 未登記之不動產占有之始為善意並無過失者，取得時效期間為 10 年
(B) 取得時效為不變期間，無中斷之問題
(C) 動產占有之始為善意並無過失者，取得時效期間為 5 年
(D) 地上權亦得準用取得時效之規定
- 28 關於民法與刑法規定，下列敘述何者正確？
(A) 行為之處罰，以行為時法律有明文規定者為限
(B) 沒收與拘束行為人之自由的保安處分，應適用行為時之法律
(C) 人之行為能力，始於出生，終於心智喪失時
(D) 人之行為能力，以非死產者為限，視為有行為能力，並由其自然血親之生父，代其行使法律行為
- 29 清治時期臺灣的婚姻型態多元，但不包括下列何者？
(A) 招贅婚姻／招入婚姻
(B) 妾婚姻
(C) 童養媳婚姻
(D) 神聖婚姻（一夫一妻、一生一世之婚姻型態）
- 30 關於地方制度法所稱之自治條例，下列敘述何者正確？
(A) 自治條例由地方立法機關通過，並由各該行政機關公布，其應分別冠以各該地方自治團體之名稱
(B) 自治條例得規定罰則，但以十萬元以下之罰鍰為限，惟不得為連續處罰
(C) 自治條例所規定之罰則僅限罰鍰，不得處以勒令停工或停止營業等不利益處分
(D) 自治條例經地方行政機關公布後，應報中央各該主管機關轉立法院備查
- 31 I need to check the _____ date on the milk before using it to make sure it is still fresh.
(A) expert (B) expiry (C) expatriate (D) extensive
- 32 When the Europeans arrived, the Indians in the Southwest America had been _____ their farmland for centuries.
(A) irrigating (B) inveigling (C) irradiating (D) intimidating
- 33 Some types of animals have ceased to exist; they have become _____ from the earth.
(A) prevalent (B) insured (C) obtained (D) extinct
- 34 I can't tell you _____ what the ingredients are for that cake, but I'll phone you when I get home and have a look at my recipe book.
(A) offhand (B) onward (C) vigorously (D) bashfully
- 35 The little girl caught a _____ of her birthday cake before her mother shut the kitchen door.
(A) gaze (B) stare (C) survey (D) glimpse
- 36 The strange occurrence in the sky _____ the scientists, who had never seen anything like it before.
(A) drizzled (B) muffled (C) ruffled (D) puzzled
- 37 By regulation, it is _____ for all workers to wear protective clothing when they are operating the machine.
(A) diligent (B) overwhelming (C) industrious (D) obligatory
- 38 The oriental rugs on display were woven on a _____ by hand strictly following the traditional technique.
(A) doom (B) loom (C) boom (D) bloom
- 39 Dana and Joe fell in love _____ with each other, which neither of them ever expected to happen, after getting together again at the class reunion.
(A) accidentally (B) effectively (C) influentially (D) occasionally
- 40 The sudden news of this world-renowned company's bankruptcy filled the employees with _____ and uncertainty about their near future.
(A) discrepancy (B) distinction (C) dismantle (D) dismay
- 41 Lucy worked diligently to finish writing up the project her boss assigned to her. In fact, she _____ to help out with the part her colleague was supposed to do.
(A) went an extra mile (B) drew the line (C) twisted her arm (D) went down in flames

- 42 Walking into an interview with a panel of stern-faced executives can be quite _____ for even the most confident job applicant.
(A) intimate (B) intelligent (C) intellectual (D) intimidating
- 43 Teenagers sometimes act in a rebellious way simply in _____ of their parents' expectations.
(A) finance (B) defense (C) defiance (D) definition
- 44 Due to a _____ of materials, the construction of the new building has to be delayed.
(A) shortage (B) storage (C) surplus (D) supplement
- 45 Instead of avoiding conversation, Lisa and Daniel are willing to have an honest, _____ talk about the crisis in their marriage.
(A) candid (B) finite (C) timid (D) static

請依下文回答第 46 題至第 50 題

The Saharan regions of Morocco are home to the Berbers, an ethnic group native to North Africa. Madfouna—a stuffed flatbread prepared by using a handful of staple ingredients—is traditionally baked in a fire pit in the sand or a mud oven, and has long served as a wholesome meal for many Berber families. Once baked, the bread so closely resembles a pizza that it is locally nicknamed "the Berber pizza."

Using an ancient Saharan bread recipe incorporating flour, yeast, salt, olive oil, and water, the dough is kneaded and then rolled into a round shape before being stretched over fillings—including beef, eggs, nuts, onions, and garlic, and herbs and spices such as cumin, paprika, turmeric, ginger, and parsley—and pinched closed. Every family has their own version of madfouna. Some use more basic ingredients such as eggs, tomatoes, and sunflower or poppy seeds, while others add almonds, cashews, olives, lamb, chicken, minced beef, or slices of cooked steak. The options are virtually endless.

Whichever ingredients make up the filling, one thing is agreed upon across the region: the authentic methods of cooking madfouna in desert sands or using a mud oven undoubtedly lead to the most delicious version, complete with an unrivalled smoky taste that a modern, conventional oven cannot replicate.

Today, madfouna can mostly be found in small Berber pizza takeaway joints in Rissani, a sleepy Saharan town famed for the dish. In Rissani, a slightly faster pace of life than in the desert leads to a greater demand for fast food. Tucked within the narrow streets of the market and conveniently placed near the taxi stands lie small takeaway **joints** with "pizza" symbols to mark where you can order a takeaway madfouna, the primary dish on the menu.

It's not uncommon for these places to get so busy that people queue for more than an hour as the chefs rotate the orders in the large fire ovens. Each madfouna is so particular to each individual's tastes that locals often bring their own fillings—sourced from trusted butchers or prepared at home by family members—which they ask the chefs to bake into their orders.

- 46 Which of the following is the best title for the passage?
(A) Madfouna, the Berber Pizza (B) The Lost Culture of the Sahara Desert
(C) Food History of North Africa (D) The Globalization of Pizza
- 47 According to the passage, which of the following statements about madfouna is true?
(A) The Berbers took the idea of the Italian pizza and modified it to local tastes.
(B) Traditional madfouna has beef, chicken, eggs, and nuts have lately been used as healthier options.
(C) The best-tasting madfouna has a smoky flavor, but you can only get that from a fire pit in the sand or a mud oven.
(D) In Rissani, communal ovens are provided for customers to bake their madfouna with their own fillings.
- 48 According to the passage, which of the following statements about the Berbers is NOT true?
(A) The Berbers live in the Sahara Desert within the borders of Morocco.
(B) Baking in fire pits in the sand and in mud ovens are traditional Berber cooking methods.
(C) Berber cuisine features bread, meat, olive oil, nuts, herbs and spices.
(D) Many Berbers have left their homes and are now selling madfouna in Rissani.
- 49 According to the passage, what does the word "joints" mean?
(A) Places that sell food and drinks at low prices.
(B) Large cuts of meat.
(C) Special cooking methods of the Northern Sahara.
(D) Food delivery services.
- 50 Where would this passage most likely appear?
(A) A travel guide. (B) A geography textbook.
(C) An archaeology study. (D) A hotel guide.