

111年公務人員普通考試試題

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的答案。

(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 下列何者為憲法第 1 條明文規定之國體？
(A)共和國 (B)自由國 (C)聯邦國 (D)法治國
- 2 平均地權條例規定，土地所有權移轉時，須依法申報現值，其憲法上之理由為何？
(A)因勞力資本投入而增值土地，應課徵土地增值稅
(B)履行人民之協力義務，以符漲價歸公目的
(C)中華民國領土內之土地屬於國民全體
(D)附著土地之礦隨同移轉
- 3 依憲法第 8 條及相關司法院大法官解釋意旨，關於人身自由，下列敘述何者錯誤？
(A)所謂「法官保留原則」，係指對於人民之審問與處罰，僅限於具有審判權之法官所構成之獨任或合議之法院，始得為之
(B)傳染病防治之強制隔離措施，其所須踐行之正當法律程序，亦須與刑事處罰之限制被告人身自由一樣交由法院決定，不得由衛生主管機關逕行決定
(C)法務部行政執行署所屬人員依行政執行法規定，對於欠稅不繳之納稅義務人進行拘提與管收，並不違反憲法第 8 條第 1 項規定
(D)對於經常逃學或逃家之少年所進行之強制收容，仍須經法院加以裁定後，始得為之
- 4 依司法院釋字第 364 號解釋意旨，有關接近使用傳播媒體，下列敘述何者錯誤？
(A)法律得規定媒體之報導有錯誤時，權利受侵害之人可要求媒體更正
(B)法律得要求廣播電視舉辦公職候選人之政見辯論
(C)該權利是憲法所保障的表現自由之一環，得由人民直接向傳播媒體主張
(D)無條件允許民眾接近使用傳播媒體，將對傳播媒體的編輯自由造成過度干預
- 5 依司法院大法官解釋，有關職業自由及平等權，下列敘述何者錯誤？
(A)以應考人學經歷作為分類考試之標準，並進而採取不同考試內容暨及格標準，不符平等原則
(B)修正前之身心障礙者保護法以視障為分類標準，使非視障者不得從事按摩業，不符合平等權之保障
(C)藥事法與規範其他醫事人員執業處所之規定雖有不同，尚不生牴觸憲法第 7 條平等原則之問題
(D)入出國及移民法有關「跨國（境）婚姻媒合不得要求或期約報酬」之規定，與憲法保障人民平等權之意旨尚無違背
- 6 有關徵收之憲法規定，下列敘述何者正確？
(A)憲法第 15 條明文規定有徵收必有補償
(B)憲法第 15 條明文規定徵收須以公益為目的
(C)憲法第 108 條第 1 項提到「公用徵收」屬中央立法並執行或交由省縣執行之事項
(D)憲法增修條文第 10 條第 1 項規定，國家為促進產業升級得徵收土地設置科學工業園區或產業園區
- 7 A 市政府消防局訂定發布之 A 市政府消防局勤務細部實施要點，規定：「勤務實施時間如下：……(三)依本市消防人力及轄區特性需要，本局外勤單位勤休更替方式為服勤 1 日後輪休 1 日，勤務交替時間為每日上午 8 時。」未涉及下列何種憲法原則或基本權利？
(A)法律保留原則 (B)平等原則 (C)服公職權 (D)健康權
- 8 下列何者不屬於隱私權之保障範疇？
(A)個人生活私密領域不受行政機關任意侵擾
(B)人民自行決定是否將指紋資料留存於出入境管理機關
(C)人民請求行政機關更正記載錯誤之個人戶籍資料
(D)人民請求記者刪除先前自願接受採訪之影片
- 9 下列何者不屬於基本權利發展史上，具有重要代表性者？
(A) 1215 年英國大憲章 (B) 1789 年法國人權宣言
(C) 1948 年世界人權宣言 (D) 1958 年法國第五共和憲法
- 10 司法院釋字第 419 號解釋在判斷副總統得否兼任行政院院長之爭議時，並未適用下列何種標準？
(A)權力分立原則 (B)信賴保護原則 (C)職務性質相容性 (D)憲法明文規定
- 11 關於我國立法委員產生方式之敘述，下列何者正確？
(A)立法委員由人民直接選出，係採取單一大選區聯立兩票制
(B)由自由地區直轄市、縣市人口比例分配所選出之區域立法委員，應有 73 人
(C)全國不分區及僑居國外國民代表之立法委員，係由獲得百分之 3 以上政黨選舉票之政黨依得票比例選出
(D)各政黨所提全國不分區及僑居國外國民之立法委員候選名單中，婦女不得低於 2 分之 1

- 12 依憲法增修條文規定，關於監察院之敘述，下列何者正確？
(A)監察院行使同意、彈劾、糾舉及審計權
(B)監察院設院長、副院長各 1 人，由監察委員互選之
(C)監察院設監察委員 29 人，任期 6 年
(D)監察院之彈劾案，須經監察委員 1 人以上之提議，9 人以上之審查決定，始得提出
- 13 下列何者不屬憲法有關法官身分保障之範圍？
(A)從地方法院調任高等法院
(B)由刑事庭法官轉任民事庭法官
(C)免兼庭長職務
(D)因積案過多予以減俸
- 14 依憲法訴訟法規定，下列何者不符合得聲請憲法法庭判決之要件？
(A)國家最高機關行使職權與其他最高機關之職權，發生適用憲法之爭議者
(B)人民就其依法定程序用盡審級救濟之案件，認所受之不利確定終局裁判有牴觸憲法者
(C)立法委員現有總額 4 分之 1 以上，就其行使職權，認法律位階法規範牴觸憲法者
(D)最高法院或最高行政法院就其受理之案件，對所適用之法律或命令，認為有牴觸憲法疑義者
- 15 依據司法院釋字第 769 號解釋意旨，下列敘述何者正確？
(A)縣地方制度事項如遇爭議，依憲法第 111 條規定應由立法院解決
(B)縣議會組織及其運作有關之重要事項，是屬地方自治事項，中央自不得以法律規範侵害自治權限
(C)地方議會正副議長選舉採取記名投票方式進行，不違反秘密選舉之憲法規定
(D)涉及中央或地方權限劃分之爭議時，應依事務本質判斷權限歸屬
- 16 立法院為落實兒童權利公約，制定兒童權利公約施行法，關於其法律屬性，下列敘述何者正確？
(A)固有法及國內法
(B)繼受法及國際法
(C)固有法及成文法
(D)繼受法及國內法
- 17 協助清朝起草民、刑律之制定，是何國的專家？
(A)日本
(B)德國
(C)美國
(D)英國
- 18 法官無法找到適當的法規範（包含制定法與習慣法）針對個案進行裁判時，下列敘述何者正確？
(A)因無適當的法規範為依據，拒絕裁判
(B)針對民事案件，依據法官個人之主觀價值，進行判決
(C)針對民事案件，依據法理，進行類推適用，判決爭議
(D)針對刑事案件，進行類推適用，判處被告有罪，並因此加重刑罰
- 19 下列有關我國刑法效力的敘述，何者錯誤？
(A)我國留學生在德國遭德國人殺害之事件，有我國刑法之適用
(B)我國國民在泰國販毒，經泰國法院裁判確定且服刑完畢，我國不得對同一行為再定罪
(C)犯罪發生在航行於公海之我國籍漁船，有我國刑法之適用
(D)我國公務員於日本犯公務侵占罪，有我國刑法之適用
- 20 關於公務員偽造文書相關罪名，依實務見解，下列敘述何者錯誤？
(A)刑法第 213 條公務員登載不實罪是純正身分犯
(B)刑法第 214 條使公務員登載不實罪是純正身分犯
(C)刑法第 213 條公務員登載不實罪中的「明知不實事項」，指直接故意
(D)刑法第 214 條使公務員登載不實罪中的「明知不實事項」，不包括間接故意
- 21 依據我國著作權法規定，有關著作權之敘述，下列何者正確？
(A)所謂的「公眾」，不包含家庭及其正常社交之多數人
(B)著作人於完成著作後，應向主管機關辦理著作權登記，始能享有著作權
(C)行政院所發布之新聞稿，得為著作權保護之標的
(D)表演人對既有民俗創作之表演，不受著作權法保護
- 22 依勞動基準法之規定，雇主實施下列何事項不需經工會或勞資會議之同意？
(A)將勞動基準法所訂之 2 週內 2 日之正常工作時數，分配於其他工作日
(B)因天災、事變或突發事件，雇主有使勞工在正常工作時間以外工作之必要時，將勞工之工作時間延長
(C)雇主有使勞工在正常工作時間以外工作之必要者，將勞工之工作時間延長
(D)經提供必要之安全衛生設施後，雇主使女工於午後 10 時至翌晨 6 時之時間內工作
- 23 下列何者不是家庭暴力防治法第 30 條之 1 所規定預防性羈押之要件？
(A)經法官訊問
(B)有犯違反保護令、家庭成員間故意實施家庭暴力行為而成立之罪，其嫌疑重大者
(C)有事實足認為有反覆實行前開犯罪之虞，而有羈押之必要者
(D)曾有違反保護令之規定，威脅被害人之人身安全者
- 24 下列何者不是地方自治事前監督之方式？
(A)核定
(B)宣告無效
(C)核備
(D)備查

- 25 下列何者就其職務相關事項，有出席立法院委員會接受質詢或備詢之義務？
(A)司法院秘書長 (B)監察院院長 (C)地方自治團體首長 (D)考試院院長
- 26 下列何種行政處分應給予相對人陳述意見之機會？
(A)經聽證程序而作成之土地徵收處分 (B)核發公費獎學金之決定
(C)處分機關大量作成之超速違規處分 (D)學校對違反校規之學生處以退學處分
- 27 共有物之處分、變更、及設定負擔，應得共有人全體之同意。下列何者無須得共有人全體之同意？
(A)共有物所有權之全部拋棄 (B)以共有之全部不動產設定抵押權
(C)將共有物由建地變為農地 (D)共有動產之應有部分移轉
- 28 甲女係乙男、丙女二人婚姻關係中受孕所生，丙自始知乙非甲之生父，乙不知；結婚三年後，乙、丙二人離婚，甲於成年前二年經丙告知乙非其生父。下列敘述，何者正確？
(A)依民法規定，甲視為乙、丙之婚生子女
(B)丙於離婚時，仍得提起否認子女之訴
(C)甲於成年後二年內得提起否認子女之訴
(D)乙即使於甲成年後，始知悉自己非甲之生父，因甲已成年，不得提起否認子女之訴
- 29 有關地方制度法第 76 條代行處理之規定，下列敘述何者錯誤？
(A)須地方自治團體依法應作為而不作為，致嚴重危害公益或妨礙地方政務正常運作
(B)代行處理所支出之費用，應由被代行處理之機關負擔
(C)應先命地方自治團體於一定期限內作為，但情況急迫者，得逕予代行處理
(D)地方自治團體對於代行處理之處分，如認為有違法時，得聲請司法院解釋之
- 30 契約解除時，當事人雙方負回復原狀之義務。關於回復原狀之敘述，何者錯誤？
(A)應返還之物有毀損，致不能返還者，應償還其價額
(B)受領之給付物生有孳息者，應返還之
(C)受領之給付為金錢者，應附加自解除契約時之利息償還之
(D)由他方所受領之給付物，應返還之
- 31 Data are ____ across different countries, and it is hard to figure out who knows what.
(A) scribbled (B) scattered (C) scolded (D) scorned
- 32 The new prime minister tried to stimulate economic growth in this region by offering ____ to foreign investors.
(A) incentives (B) impacts (C) instruments (D) intrusions
- 33 In the video the driver ran away immediately as the police officers ____ him. A chase then began.
(A) approached (B) delighted (C) employed (D) recommended
- 34 There was a long ____ of people waiting patiently for the bus to arrive.
(A) queue (B) range (C) series (D) trail
- 35 The company worked hard to ____ communication with its customers in the hope of promoting mutual understanding.
(A) discourage (B) enhance (C) ignore (D) suspend
- 36 The book entitled *A Different Angle* encourages us to examine ____ issues from different perspectives.
(A) accountable (B) controversial (C) ferocious (D) persistent
- 37 To reduce pollution, the government resorts to renewable or ____ energy resources such as solar energy and bioenergy.
(A) alternative (B) explicit (C) resistant (D) skeptical
- 38 Please handle the glassware with extreme caution. They are ____.
(A) feeble (B) fragile (C) fragrant (D) feasible
- 39 The ____ of depression are not fully understood but are likely to be a complex combination of genetic, environmental, and psychosocial factors.
(A) causes (B) effects (C) resources (D) cures
- 40 The police found a large ____ of drugs in the man's vehicle and he was arrested on the spot.
(A) audience (B) distance (C) multiple (D) quantity

請依下文回答第 41 題至第 45 題

Have you noticed the phenomenon of puppy dog eyes, the inner eyebrow raising movement of dogs? Do you believe it a result of 41 for dogs to appeal to humans? Researchers dissected dog and wolf heads and found that the facial muscle anatomy of both animals was almost identical -- 42 an eyebrow muscle, found only in dogs. The inner eyebrow raising movement makes the dogs' eyes appear larger and more infant like, 43 prompts a "nurturing" response in humans. When dogs make the movement, it seems to elicit a strong desire in humans to 44 them. This would give the dogs that moved their eyebrows more a selection advantage over others, reinforcing the trait in 45 generations. The findings show how important faces can be in capturing our attention, and how powerful facial expression can be in social interaction.

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|-------------------|----------------|--------------------|-----------------|
| 41 (A) irritation | (B) evolution | (C) migration | (D) realization |
| 42 (A) as well as | (B) except for | (C) in addition to | (D) such as |
| 43 (A) when | (B) who | (C) what | (D) which |
| 44 (A) carry out | (B) make up | (C) look after | (D) take over |
| 45 (A) former | (B) later | (C) old | (D) past |

請依下文回答第 46 題至第 50 題

Hikikomori is a psychological condition which makes people shut themselves off from society, often staying in their houses for months on end. There are at least half a million of them in Japan. It was once thought of as a young person's condition, but sufferers are getting older and staying locked away for longer. It is an economic as well as a social threat to the country, and is seriously worrying Japanese government.

As of 2015, there were 541,000 hikikomori aged 15-39 in Japan, according to government statistics. There is no data on other age groups, suggesting that the figure is likely to be far larger. Some families are also loath to report hikikomori in their households, Kingston said. Doctors began to observe hikikomori as a social phenomenon around the mid-1980s, when young men exhibited signs of lethargy, refused to communicate, and spent most of their time in their rooms. There's no unifying reason why people become hikikomori. Some withdraw from society because they feel they don't know what to do with their lives and can no longer cope with the pressure from people around them. Others are triggered by events in their lives, like bad grades or heartbreak. Hikikomori feel a deep sense of shame that they cannot work at a job like ordinary people. They think of themselves as worthless and unqualified for happiness. Almost all feel remorse at having betrayed their parents' expectations.

As hikikomori refuse to participate in society, let alone go to work, Japan's economy also suffers. They diminish the size of the workforce, so they contribute to a tighter labor market. Also, they are not self-sufficient, so when family support dries up due to death or financial problems, they will need to rely on state assistance.

Japanese government plans to set up counseling centers and have support staff visit hikikomori at home in a bid to boost the country's flagging workforce. But some criticize this may put pressure on hikikomori. Professor Jeff Kingston, an Asian studies professor in Tokyo, said, "One can only hope that more access to various therapies and public health campaigns to destigmatize the phenomenon will encourage more to seek help, find it, and learn to manage their symptoms so that they can lead more productive and fulfilling lives."

- 46 What is the passage mainly about?
- (A) A group of people who suffer and make others suffer.
(B) A phenomenon caused by the flagging economy in Japan.
(C) An efficient system to take care of the unemployed.
(D) A new medical treatment for the disease called hikikomori.
- 47 Which of the following is one of the causes of hikikomori mentioned in the passage?
- (A) A tighter labor market. (B) A poor family background.
(C) A failed relationship. (D) A government policy.
- 48 Which of the following is one of the features of hikikomori?
- (A) They always perform well at school. (B) They are social and reliable employees.
(C) They drain up the money in the family. (D) They boost the country's flagging workforce.
- 49 According to the expert in the passage, which of the following may be the solution to the hikikomori phenomenon?
- (A) Organizing campaigns to encourage them to seek help.
(B) Sending support staff to visit them more often.
(C) Giving money and job to families with hikikomori.
(D) Forcing them to hospitals to receive therapies.
- 50 According to the passage, which of the following is one of the bad influences that hikikomori impose on Japanese society?
- (A) They make up the main workforce in Japan.
(B) They become financial burdens to the government.
(C) They make people in the society more indifferent.
(D) They bring shame and pain to the family and country.