

111年警察人員升官等考試、111年 交通事業郵政、公路人員升資考試試題

等 級：佐級晉員級

類科(別)：各類別-郵政、公路

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 有關司法院大法官解釋憲法與統一解釋法令，下列敘述何者正確？
(A)若聲請不合規定者，均應不予受理
(B)若聲請解釋機關有上級機關者，仍得逕行聲請，無須上級機關層轉
(C)法官得針對判決，聲請釋憲及統一解釋
(D)均應有大法官現有總額過半數之參與評議，及參與大法官過半數同意，方得通過
- 2 若法律規定與人民之自由及財產有重大限制，但其構成要件內容全部委由行政機關公告，亦難由其它相關事項推知其內容，以及預見其有受處罰之可能，此法律規定違反下列何原則？
(A)正當程序原則 (B)誠信原則 (C)信賴保護原則 (D)授權明確性原則
- 3 依司法院大法官解釋，土地法原規定逕以「徵收補償發給完竣屆滿1年之次日」為收回權之時效起算點，並未規定該管直轄市或縣(市)主管機關就被徵收土地之後續使用情形，應定期通知原土地所有權人或依法公告，係違反下列何者？
(A)憲法第142條之平均地權原則 (B)憲法第142條之民生主義原則
(C)憲法第15條保障之財產權 (D)憲法第15條保障之生存權
- 4 國民有隨時返國之自由，根據司法院釋字第558號解釋，這是屬於何種基本權？
(A)居住自由 (B)遷徙自由 (C)人身自由 (D)表現自由
- 5 依據憲法學理和實務見解，下列何者不得主張言論自由？
(A)播放廣告的外國私人企業 (B)提供政治獻金的本國人民
(C)開設網頁的本國政府機關 (D)拒絕公開道歉的外國人民
- 6 依司法院大法官解釋，有關身心障礙者之平等保護，下列敘述何者錯誤？
(A)國家保障視障者工作權確實具備重要公共利益，其優惠性差別待遇之目的合乎憲法相關規定之意旨
(B)修正前身心障礙者保護法提供視障者按摩業職業保留之規定，其手段與目的之達成間難調具備實質關聯性
(C)限制色盲之考生不得報考警大碩士班，以維護警政素質及警察形象等，其目的並非重要公共利益
(D)以色盲作為差別待遇之分類標準，其合憲與否應視其與目的之達成間，是否具有實質關聯而定
- 7 依司法院大法官解釋意旨，下列何者非屬表意自由保障之範圍？
(A)新聞採訪 (B)商業廣告
(C)平等接近使用傳播媒體 (D)在公園擺攤賣肉桂捲
- 8 下列何者並非憲法有關國民受教育之規定？
(A)國民受教育之機會一律平等 (B)國民教育之教科書編纂，應由國家監督
(C)6至12歲之兒童，應受基本教育 (D)已逾學齡未受基本教育之國民，一律受補習教育
- 9 依司法院大法官解釋意旨，下列何者非屬判斷正當程序所應考量之因素？
(A)所涉及之基本權種類 (B)限制基本權之強度及範圍
(C)各項可能程序之成本 (D)有無法律明文
- 10 依司法院大法官解釋，下列何者未侵害憲法第18條保障人民服公職之權利？
(A)甲之配偶乙原為大陸地區人民，欲參選立法委員，但因在臺設籍未滿10年而無法登記參選
(B)丙曾犯過失傷害罪，經法院判處50日拘役定讞，無法報考國防部預備軍士官班
(C)丁為警察三等特考及格之一般生，依法無從取得職務等階最高列警正三階以上之職務任用資格
(D)高雄市政府消防隊隊員戊超時服勤，且未獲加班費或經准許補休假
- 11 下列何者不屬立法院之職權？
(A)議決預算及國家重要事項 (B)提案彈劾司法院大法官
(C)對行政院院長提出不信任案 (D)提出領土變更案

- 12 行政院院長何時具備代行總統職權之憲法義務？
(A)總統經罷免時 (B)總統、副總統均缺位時
(C)憲法法庭審理總統、副總統彈劾案時 (D)總統、副總統改選時
- 13 關於監察院調查權之行使，下列敘述何者錯誤？
(A)基於權力分立原則，調查權係監察院之專屬權限
(B)監察院得向行政院及其各部會調閱其所發布之命令及各種有關文件
(C)監察院得按行政院及其各部會之工作，分設若干委員會，調查一切設施，注意其是否違法或失職
(D)國家機關獨立行使職權受憲法之保障者，監察院對之行使調查權受有限制
- 14 關於司法院之發布命令，下列敘述何者錯誤？
(A)本於最高司法機關，得制定審理規則 (B)本於司法行政機關，得訂定監督命令
(C)本於實質行政機關，得訂定所需之法規命令 (D)本於最高司法機關，得發布命令統一審判見解
- 15 有關地方自治團體協力義務事項，下列敘述何者錯誤？
(A)協力義務事項未明文規定於地方制度法
(B)為司法院大法官解釋所承認
(C)中央法律規定之社會福利事項，應專由中央負擔經費，地方無協力義務
(D)與居民生活關係密切之事務，地方自治團體應共同負擔任務之經費
- 16 A 法律規定，對違法者處新臺幣 10 萬元以上，100 萬元以下之罰鍰。主管機關為執行 A 法律訂定裁量基準，規定初犯者處新臺幣 10 萬元罰鍰。主管機關於個案就初次違規者裁處 12 萬元罰鍰，此罰鍰處分最不可能違反下列何原則？
(A)法律優位原則 (B)平等原則 (C)比例原則 (D)信賴保護原則
- 17 下列關於法律解釋方法之敘述，何者錯誤？
(A)對於條文之解釋，應優先採歷史解釋
(B)歷史解釋乃由立法資料與立法歷史考察立法者立法當時之真意所在
(C)目的解釋係由法律之立法目的，解釋條文意義之方法
(D)比較法解釋乃由外國立法例、判決、學說而為解釋之方法
- 18 嚴重特殊傳染性肺炎防治及紓困振興特別條例在適用上應優先於傳染病防治法，係下列何種法律適用原則？
(A)特別法優先於普通法 (B)實體法優先於程序法
(C)後法優先於前法 (D)高位階法規優先於低位階法規
- 19 下列何者並非「公用地役關係」之成立要件？
(A)為不特定之公眾通行所必要
(B)於公眾通行之初，土地所有權人並無阻止之情事
(C)經歷之年代久遠而未曾中斷
(D)主管機關辦理登記
- 20 關於立法者授權訂定法規命令之敘述，下列何者正確？
(A)行政機關基於裁量權限，於必要情形下得暫行制定逾越立法授權目的、內容與範圍之法規命令
(B)涉及剝奪人民生命或限制人民身體自由者，立法機關亦得概括授權行政機關自行制定刑罰規定
(C)被授權之行政機關即受立法機關的充分信任，縱無明文規定，仍得將其授權輾轉委由更下級機關另訂法規命令
(D)立法機關授權行政機關訂定法規命令後，仍得就同一事項制定特別法規範，不受過往授權所制定之法規命令拘束
- 21 刑法第 134 條規定公務員假借職務上之權力、機會或方法而故意犯瀆職罪章以外之罪時，加重處罰，但因公務員之身分已特別規定其刑者，不在此限。有關本條規定，下列敘述何者錯誤？
(A)本條為身分犯之規定
(B)無公務員身分者與公務員共同假借職務上機會犯傷害罪，亦得適用本條規定加重處罰
(C)犯受賄罪之公務員，無本條之適用
(D)向公務員行賄之非公務員，無本條之適用
- 22 下列何者是屬於公司法明文規定之公司機關？
(A)執行長 (B)監事會 (C)公司秘書 (D)常務董事

- 23 依勞動基準法第 10 條之 1 規定，雇主調動勞工應符合之原則，下列敘述何者錯誤？
(A)基於企業經營上所必須，且不得有不當動機及目的
(B)調動後工作為勞工體能及技術可勝任
(C)考量勞工及其家庭之生活利益
(D)一旦簽訂勞動契約即完全由雇主決定
- 24 下列有關性別工作平等法「產假、安胎休養、產檢假」規定之敘述，何者錯誤？
(A)性別工作平等法有明文規定產假薪資之計算方式
(B)受僱者欲安胎休養，需先經醫師診斷有安胎休養之需要
(C)受僱者妊娠期間，雇主應給予產檢假 5 日
(D)產檢假期間，雇主應照給薪資
- 25 依地方制度法之規定，縣與鄉間自治事項遇有爭議時，應如何解決？
(A)由立法院院會議決之
(B)由行政院院會議決之
(C)由內政部會同中央各該主管機關解決之
(D)由涉及爭議之地方政府逕行聲請大法官解釋
- 26 甲為擔保乙、丙、丁三人分別對自己的借貸債權，將自己的土地為乙、丙、丁三人各設定抵押權。此三個抵押權的次序為何？
(A)依債權成立先後決定 (B)依當事人約定 (C)依登記先後決定 (D)為同一次序
- 27 依民法之規定，下列何種法益被不法侵害時，被害人不得主張非財產上之損害賠償？
(A)居住安寧之人格法益 (B)所有權
(C)基於配偶關係之身分法益 (D)信用權
- 28 下列何者不屬於法治國原則之要素？
(A)互惠原則 (B)基本權利保障 (C)權力分立原則 (D)依法行政原則
- 29 凡規定涉外之生活事實，應適用何國之法律，為下列何者？
(A)國際公法 (B)國際私法 (C)條約法 (D)程序法
- 30 下列何項情形之法律行為係自始、確定無效？
(A)甲未得乙同意，以乙本人名義代理向丙購買汽車時，關於甲之購車行為
(B)受輔助宣告之丁至超商買一瓶水解渴之買賣行為
(C)未滿 18 歲之戊未得法定代理人同意之結婚行為
(D)己股份有限公司股東會做成違反公司章程之決議
- 31 When planning, make sure you are being _____ so you don't miss anything.
(A) through (B) carefree (C) careless (D) thorough
- 32 Nowadays several countries around the globe have prescribed clearly in their constitutions that there should be no _____ against homosexuals.
(A) distraction (B) discrimination (C) deference (D) disclosure
- 33 The man got very drunk and only had a _____ memory of what had happened the previous night.
(A) fatal (B) major (C) vague (D) witty
- 34 The e-study modules provide personalized content to reinforce concepts that _____ each student's strengths and weaknesses.
(A) emigrate (B) meditate (C) target (D) terminate
- 35 The man was convicted of a criminal _____ and was sentenced to twenty years in prison.
(A) identity (B) remorse (C) despise (D) offence
- 36 We came up with this brilliant idea together, yet he took all the _____ for himself.
(A) creeds (B) courses (C) curses (D) credits
- 37 This country _____ its first indigeous female minister to shape up one of the most diverse parliaments in the world.
(A) allocated (B) dismissed (C) appointed (D) despised
- 38 For now, one of the possible solutions is to allow the refugees to _____ to a safer place.
(A) reset (B) revise (C) retreat (D) revenge
- 39 The company offers _____ pensions which can be carried by employees from job to job.
(A) potable (B) bookable (C) portable (D) quotable
- 40 The two parties decided not to work together for they had _____ views on many issues.
(A) academic (B) eventual (C) inferior (D) opposite

請依下文回答第 41 題至第 45 題。

One of the effects of climate change that scientists are most certain of is increased rainfall amounts and rainfall 41 — a result of warmer than normal ocean temperatures that create a warmer and moister environment for the storm. Warmer oceans mean more moisture is available in a warmer 42. For every 1 degree Celsius (1.8 degree Fahrenheit), there is 7% more moisture in the air. With Hurricane Florence in 2018, ocean temperatures were 43 around 2.7 degrees Fahrenheit warmer than normal, which 44 to nearly 10% more moisture available in the atmosphere. The National Oceanic and Atmospheric Administration has said the hurricane season over the next year will likely be extremely active, perhaps even 45, with even more records likely to fall.

- | | | | |
|--------------------|-----------------|-----------------|-----------------|
| 41 (A) intensity | (B) privacy | (C) distinction | (D) feature |
| 42 (A) hospitality | (B) consumption | (C) atmosphere | (D) magnitude |
| 43 (A) employing | (B) trending | (C) rupturing | (D) levelling |
| 44 (A) distributed | (B) destructed | (C) constructed | (D) contributed |
| 45 (A) portable | (B) situational | (C) historic | (D) industrious |

請依下文回答第 46 題至第 50 題。

The Mla Bri are a small group of nomadic hunter-gatherers (about 400) living in northern Thailand who since the 1990s have begun to settle in semi-permanent villages. The Mla Bri are well-known to anthropologists because, until recently, they engaged extensively in foraging, gathering, and hunting as the primary means of subsistence, making them an outlier in a region traditionally dominated by people tied to rice cultivation. Indeed, they were not tied to the agricultural cycle, although they did occasionally hire themselves out as laborers to agricultural people. As nomads, they typically shifted campsites every few weeks. However, between 2005 and 2008, there were five fatal suicides in this group, including four males and one female. This is apparently a new phenomenon; suicide was virtually unknown among the Mla Bri before more permanent settlements were established.

From 1980 to 2010, many changes occurred in the world of the Mla Bri, bringing both new opportunities and the formidable challenge of settling into permanent dwellings with all that that entails. Traditionally, so far as we can ascertain, there has been very little intra-group violence among the Mla Bri, though they were often subject to attacks from outsiders. But, in recent years, as alcohol use/abuse has become more common, so has violence. Examples are men fighting physically when they are drunk, physical abuse of wives by drunk husbands, and wives fighting back. Prior to 1993, there were no permanent Mla Bri settlements, and 2001 was an important year for them because not only were the first settlements legally established, but they were also granted Thai citizenship which gave them identity cards and ready access to health care, schooling, and other modern government services.

Ultimately, the most general explanation for the emergence of suicide among the Mla Bri is a classic one found in many societies. The rapid social change of the last thirty years has been deeply disorienting for the Mla Bri, as they stopped living in the remote forest, and took up the modern life of permanent housing, schooling, medical care, electricity, television, and other accoutrements. Such kind of “civilization” contributed to material well-being and a healthier lifestyle, but at the same time led to a breakdown in the system of social norms. As with many other groups, the effects of this are probably elevated rates of alcoholism, marital dissolution, and the suicide problems.

- 46 Which of the following is the most appropriate title for this passage?
- (A) Social Progress in Mla Bri of Northern Thailand.
(B) Suicide among the Mla Bri of Northern Thailand.
(C) Modernization of the Mla Bri in Northern Thailand.
(D) Domestic Violence in the Mla Bri of Northern Thailand.
- 47 According to the passage, which of the following can be inferred?
- (A) The lack of rice cultivation was the main cause of the instability of food supply to the Mla Bri.
(B) Violent confrontations among the Mla Bri tribes were not uncommon due to their nomadic nature and lifestyle.
(C) The Mla Bri’s permanent settlement before 1993 has resulted in their disproportionate land ownership.
(D) The shift from a nomadic lifestyle to stable settlements might explain the suicide problems in the Mla Bri.
- 48 Which of the following is closest in meaning to “subsistence” in the first paragraph?
- (A) Substance. (B) Subsidiary. (C) Sustenance. (D) Substitution.
- 49 What is the last paragraph mainly about?
- (A) The shortcomings of temporary housing of the Mla Bri.
(B) The consequences of the modernization to the Mla Bri.
(C) The dominant lifestyle of the Mla Bri between 1993 and 2001.
(D) The historical development of the social norms of the Mla Bri.
- 50 What does they in the passage refer to?
- (A) The people. (B) The outsiders. (C) The settlements. (D) The government services.