

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 關於修憲程序，下列敘述何者正確？
(A)修憲機關提出之憲法修正案，須先送請監察院人權委員會審查，始能通過施行
(B)修憲機關提出之憲法修正案，須先送請憲法法庭審查，始能通過施行
(C)行政院若認為修憲機關提出之憲法修正案窒礙難行，得移請修憲機關覆議
(D)修憲機關提出之憲法修正案，須經人民投票複決，始能通過施行
- 2 依憲法規定，已逾學齡未受基本教育之國民，如何受補習教育？
(A)得自行決定受補習教育，免繳納學費
(B)得自行決定受補習教育，須繳納學費
(C)一律受補習教育，免繳納學費
(D)一律受補習教育，須繳納學費
- 3 憲法第 16 條保障人民之訴訟權，依司法院大法官解釋與憲法法庭判決之意旨，下列敘述何者錯誤？
(A)針對軍法判決之特別救濟案，軍事審判法規定，僅許被告不服高等軍事法院宣告有期徒刑之上訴判決者，得以判決違背法令為理由，向高等法院提起上訴，與保障人民訴訟權之意旨有違
(B)針對公立大學就不續聘教師之再申訴決定提起行政訴訟案，最高行政法院決議，關於公立大學就不予維持其不續聘教師措施之再申訴決定，不得循序提起行政訴訟部分，牴觸保障訴訟權之意旨
(C)針對偵查中辯護人在場筆記權等之救濟案，禁止或限制辯護人於訊問時在場、筆記或陳述意見之處分，未賦予被告、犯罪嫌疑人或其辯護人享有向法院聲明不服、請求救濟之機會，違反憲法第 16 條保障訴訟權之意旨
(D)未明文規範被害人（及其法定代理人）於少年保護事件處理程序中得到庭陳述意見，於此範圍內，不符憲法正當法律程序原則之要求，有違憲法保障被害人程序參與權之意旨
- 4 國家基於犯罪偵查之目的，對被告或犯罪嫌疑人進行通訊監察，並未直接影響受監察人下列何種權利？
(A)緘默權
(B)委任律師之辯護權
(C)隱私權
(D)閱覽卷宗權
- 5 依司法院大法官解釋，關於原住民文化權及身分認同權，下列敘述何者錯誤？
(A)狩獵係原住民族利用自然資源之方式之一，乃長期以來之重要傳統，屬於文化權保障範圍
(B)原住民之文化權保障，僅為個人權利，不具有集體權之性質及內涵
(C)以漢族之姓氏習慣否定原住民之身分認定，與原住民之身分認同權有違
(D)由憲法第 22 條及憲法增修條文整體觀察，原住民集體身分認同權亦受憲法保障
- 6 依司法院大法官解釋意旨，有關人身自由之保障，下列敘述何者錯誤？
(A)對人身自由之剝奪尤應遵循正當法律程序原則
(B)刑法規定累犯一律加重最低本刑，使人身自由遭受過苛侵害，牴觸憲法比例原則
(C)毒品危害防制條例規定，意圖供製造毒品之用而栽種大麻者，處 5 年以上有期徒刑，未違憲法比例原則，未侵害人身自由
(D)刑法規定之於刑之執行前強制工作處分，就受處分人之人身自由所為限制，違反憲法第 23 條比例原則
- 7 依憲法及相關法律規定、司法院大法官解釋意旨，有關立法院審查預算案，下列敘述何者正確？
(A)立法院對於預算案，得為增刪修改
(B)立法院對於預算案，不得為增加支出之提議
(C)立法院對於預算案，得於項目中移動增減金額
(D)立法院審議預算案，須受屆期不連續原則之拘束
- 8 下列何種事項，行政院院長無須提交行政院會議議決？
(A)應提出於立法院之事項
(B)總統召集院際爭執調解之事項
(C)涉及各部會共同關係之事項
(D)依法應提出於立法院之國家重要事項
- 9 依憲法訴訟法規定，下列案件之判決，何者應本於言詞辯論為之？
(A)人民聲請法規範憲法審查及裁判憲法審查
(B)法院聲請法規範憲法審查
(C)機關權限爭議案件
(D)總統、副總統彈劾案件

- 10 憲法增修條文第 4 條規定單一選區兩票制、政黨比例代表席次及政黨門檻。下列敘述何者錯誤？
 (A)憲法之修正條文與本文，屬同等位階，如係依憲法修正程序為之，即不違反憲法
 (B)依政黨名單投票採比例代表制選舉，並設百分之五席次分配門檻，尚無牴觸憲法平等保護之意旨
 (C)依憲法規定，各種選舉應以普通、平等、直接及無記名投票之方法行之
 (D)政黨門檻可能使政黨所得選票與獲得分配席次之百分比有差距，而有選票不等值現象，惟大法官解釋仍肯認其合憲性
- 11 依司法院大法官解釋及憲法法庭裁判，關於土地徵收制度，下列敘述何者正確？
 (A)因時效而成立之公用地役關係，屬所有權人社會責任所應忍受之範圍，無須辦理徵收作業
 (B)未於法定期限內核發土地補償費，不影響原土地徵收處分之合法性
 (C)文化資產保存法將私人建築物指定為古蹟，已逾越所有權人社會責任所應忍受之範圍，國家應給予相當補償
 (D)大眾捷運法規定，大眾捷運系統毗鄰地區辦理開發所需之土地，雖非屬捷運交通事業所必需之土地，亦得徵收
- 12 憲法第 19 條規定：「人民有依法律納稅之義務。」下列關於租稅之敘述，何者正確？
 (A)依據租稅法律主義之要求，有關稅捐稽徵之程序，立法者不得授權以命令定之
 (B)主管機關於職權範圍內適用租稅法律規定，本於法定職權予以闡釋，如係秉持憲法原則及相關之立法意旨，遵守一般法律解釋方法為之，即與租稅法律主義無違
 (C)稅捐僅係為了支應國家普通施政支出而課徵，特別公課則係以特別施政用途為目的而課徵
 (D)行政機關縱依立法授權，仍不得就特定範圍納稅義務人給予減輕或免除租稅之優惠措施，始不牴觸憲法平等原則
- 13 下列何者並非現行憲法規定之立法院職權？
 (A)議決法律案
 (B)議決預算權
 (C)行政院院長之人事同意權
 (D)議決國家重要事項之權
- 14 有關我國法律違憲審查制度，下列敘述何者錯誤？
 (A)係採集中制
 (B)設有抽象法規審查
 (C)須有具體個案始得為審查
 (D)人民之聲請審查設有期限限制
- 15 有關地方制度之立法，下列何者為憲法所不許？
 (A)縣設縣議會，縣議會議員由縣民選舉之
 (B)縣設縣長，由內政部指派之
 (C)將鄉（鎮、市）改為非地方自治團體
 (D)將省諮議會議員之人數縮減為 10 人
- 16 乙受僱於甲公司，關於各項請求權消滅時效，下列敘述何者正確？
 (A)乙對甲公司之工資請求權，因 5 年間不行使而消滅
 (B)乙因遭職業災害而致傷害，在醫療中不能工作時，對甲公司應按其原領工資數額予以補償之受領補償權，自得受領之日起，因 5 年間不行使而消滅
 (C)乙遭遇普通傷害後失能，並符合勞工保險條例規定之失能給付請領資格，其保險給付請求權，自得請領之日起，因 2 年間不行使而消滅
 (D)乙依據勞動基準法向甲公司請領退休金之權利，自退休之次月起，因 2 年間不行使而消滅
- 17 下列關於性傾向在憲法上之評價，何者錯誤？
 (A)性傾向非憲法第 7 條明文規定，但仍屬平等權規範之範圍
 (B)民法規定婚姻為一男一女的結合，是以性傾向為分類標準之差別待遇
 (C)同性性傾向者為社會上孤立而隔絕之少數，並因受刻板印象之影響，久為政治上之弱勢
 (D)以性傾向為基礎之差別待遇，應採最嚴格審查標準
- 18 依憲法本文規定，若院與院間發生爭執，何者得召集有關各院院長會商解決之？
 (A)總統
 (B)國民大會議長
 (C)最高法院院長
 (D)總統府秘書長
- 19 有關刑法第 131 條公務員圖利罪，下列敘述何者錯誤？
 (A)本罪是結果犯
 (B)本罪是純正身分犯
 (C)本罪之規範範圍並不包含「對於非主管或監督之事務」之圖利
 (D)公務員圖利他人而未獲得利益者，成立公務員圖利罪之未遂犯
- 20 有關未遂犯，下列敘述何者錯誤？
 (A)未遂犯與既遂犯得科處相同刑罰
 (B)甲開槍射殺乙，乙剛好彎腰綁鞋帶而未中彈，甲構成殺人未遂罪
 (C)甲持棍棒欲毆打乙手臂，乙閃開沒有受傷，甲構成傷害未遂罪
 (D)未遂的處罰，須著手於犯罪行為之實行而不遂
- 21 有關「原因自由行為」，下列敘述何者錯誤？
 (A)行為人於原因行為階段具有責任能力
 (B)行為人在行為時，處於無責任能力狀態，不符合行為與罪責同時性原則
 (C)我國刑法尚無明文規定，仍屬學說主張
 (D)實務見解承認原因自由行為之可罰性

- 22 A 公司擬和 B 公司合併，A 公司想了解公司法中有關公司合併之限制，下列敘述何者錯誤？
 (A)股份有限公司與股份有限公司合併時，存續或新設公司以股份有限公司為限
 (B)股份有限公司與有限公司合併時，存續或新設公司以股份有限公司為限
 (C)踐行公司簡易合併時，從屬公司之提出異議的股東可以行使股份收買請求權
 (D)一旦公司經合併而消滅後，其權利義務亦隨之消滅
- 23 下列何種行為屬於處分行為？
 (A)甲拋棄其 M 機器的所有權 (B)甲、乙簽訂的 A 車買賣契約
 (C)夫妻甲、乙二人責打其子丙 (D)甲、乙間訂立的 B 腳踏車贈與契約
- 24 甲將所有之 A 屋出租於乙，雙方口頭約定租期自下個月初起 2 年，租金每月新臺幣 3 萬元。下列敘述何者正確？
 (A)該租賃契約無效 (B)該租賃契約屬於物權契約
 (C)甲、乙間成立不定期的租賃契約 (D)該租賃契約不生效力
- 25 關於我國民法規定之習慣法，下列敘述何者正確？
 (A)習慣法須是長久慣行，只要是反覆進行之社會習慣，就是習慣法
 (B)依據民法第 1 條規定，習慣法內容不應違反已經制定之法律規定
 (C)習慣法來自民間風俗，自無違反民法中公共秩序善良風俗之問題
 (D)基於私法自治原理，習慣法不會與憲法上平等原則相牴觸或衝突
- 26 臺灣街頭常見「二胎借款」的廣告，「二胎」的意思是「第二順位抵押權」，其乃源自於傳統漢人的「胎借」習慣名稱，加上自日治時期導入的近代抵押權之效力，可謂傳統習慣與近代西方法律交匯後之產物。對此社會現象，下列敘述何者正確？
 (A)呈現臺灣社會繼受近代西方法律的一過程
 (B)顯示臺灣社會仍然落後，無法正確使用近代法律用語
 (C)代表傳統社會習慣已完全被近代西方法取代而消失
 (D)顯示法律繼受後，臺灣社會仍無法接受使用抵押權
- 27 關於行政命令，下列敘述何者正確？
 (A)法院並無行政命令合法性之審查權
 (B)行政命令發布後，應即送立法院。如經立法院院會審查後，認有違法情事，經議決後，通知原機關更正或廢止
 (C)行政命令之廢止，由總統為之
 (D)須行政命令有明顯重大瑕疵者，始生廢止事由
- 28 行政機關藉由立法制定當時的相關立法文件，探究行政法規之規範意旨，此係運用何種解釋方法？
 (A)體系解釋 (B)歷史解釋 (C)目的解釋 (D)文義解釋
- 29 依我國著作權法規定，有關著作權的敘述，下列何者正確？
 (A)著作人死亡後，著作人格權隨之消滅，任何人均得自由利用
 (B)著作人格權與著作財產權，必然歸屬於同一人
 (C)未公開發表之著作原件，除作為買賣之標的或經本人允諾者外，不得作為強制執行之標的
 (D)著作財產權專屬於著作人本身，不得任意讓與他人
- 30 A 公司職員甲於開車送貨途中因過失與乙發生車禍，下列敘述何者正確？
 (A)乙僅得向 A 或甲其中一人主張損害賠償 (B)乙得向 A 及甲主張連帶損害賠償
 (C)乙僅得向甲主張損害賠償 (D)乙僅得向 A 主張損害賠償
- 31 Her art exhibit was a _____ of imaginative sculptures and paintings that captured the audience's imagination.
 (A) kaleidoscope (B) monotony (C) dullness (D) tedium
- 32 The generous host provided a/an _____ amount of food and drinks for all the guests at the party.
 (A) ample (B) scarce (C) meager (D) insufficient
- 33 After I submitted the receipt, the company agreed to _____ me for the travel expenses incurred during the business trip.
 (A) subtract (B) reimburse (C) console (D) condone
- 34 Even with proper training and care, some wild animals cannot become _____ and affectionate companions.
 (A) fierce (B) seductive (C) tame (D) flexible
- 35 Working in _____ often leads to mistakes that could have been avoided with a more careful approach.
 (A) moderation (B) prudence (C) restraint (D) haste
- 36 The team members worked together to _____ their efforts, each contributing their skills and expertise to achieve a common goal efficiently and effectively.
 (A) diminish (B) divide (C) condense (D) coordinate
- 37 The old man is as _____ as a mule; he never listens to others' opinions.
 (A) approximate (B) intimate (C) passionate (D) obstinate
- 38 My three-year old niece _____ showed off the birthday present that she liked very much.
 (A) gleefully (B) miserably (C) pathetically (D) fluently
- 39 All students were _____ by the puzzle given by the instructor as none of them was able to solve it.
 (A) baffled (B) bailed (C) barged (D) banned
- 40 The imminent threat of a thunderstorm _____ us to quickly gather our belongings and seek shelter indoors before the rain started pouring down.
 (A) promoted (B) prompted (C) prevented (D) preempted

請依下文回答第 41 題至第 45 題：

The world renowned Songkran, much celebrated on April 13th each year, is the Thai New Year's national day. In order to let people go home for this holiday, the Thai government 41 the festival to a seven-day holiday beginning from April 9th to 16th. The word, "Songkran," which is "samkrānti" in Sanskrit, carries the meaning of "astrological passage" with its 42 of transformation or change. Viewed as ritual cleansing, the Songkran celebrations have people engage themselves to water fighting in public. It has thus become 43 and widespread among Thai and foreign visitors. The origin of Songkran Festival can be 44 back to a Buddhist folk myth concerning harvest and spring. In the city of Sukhavati in Suvvannabhumi, Indra, King of Devas, witnessed the occurrence of corruption in the city where people were sinful for their bad behaviors and they led a life without faith in Dhamma. The king then decided to punish people by having them 45 by lack of water and food. There is even a drought with a hot sun burning people to death.

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|----|----------------|----------------|-----------------|-----------------|
| 41 | (A) compressed | (B) abridged | (C) extended | (D) abbreviated |
| 42 | (A) capability | (B) complexity | (C) coincidence | (D) connotation |
| 43 | (A) prevalent | (B) negligible | (C) isolated | (D) occasional |
| 44 | (A) traced | (B) spread | (C) merged | (D) disregarded |
| 45 | (A) nurtured | (B) impaired | (C) intact | (D) sound |

請依下文回答第 46 題至第 50 題：

Pollinators, such as bees, butterflies, and birds, contribute roughly \$500 billion a year to global food production. Being the primary pollinators of most wild plants and many crops, bees are particularly crucial to both ecosystem stability and agricultural productivity. However, bee populations have been on the decline worldwide over the years, which has captured the attention of scientists, governments, media, and the general public.

Several anthropogenic drivers have been associated with declining bee populations, such as **disturbances** of their natural habitats as result of agricultural intensifications and urbanization, climate change, pesticides, and management practices. Bees' habitat loss and fragmentation are considered a major driver of their declines. Besides, climate changes in temperature and rainfall can cause significant alterations in natural habitats, thus reducing their suitability for wild bee populations.

Pesticides have received much attention for their potential effects on bees. In a recent study, the research group reviews important agrochemicals with demonstrated deleterious effects on eusocial bees. Using artificial intelligence tools, the researchers explore how pesticide exposure contributes to declines in populations of honey bees, bumble bees, and stingless bees. Still, many knowledge gaps remain. Future studies should continue to increase their focus and sophistication when tackling questions concerning the declining bee populations associated with the pesticide contamination.

However, little research attention has been given to potential effects of management techniques on bee declines. Not until recently, a group of researchers has addressed the importance of improving beekeeping techniques and conservation strategies to avoid reduction of genetic diversity in both managed and wild honey bees. They conclude that artificial and natural selection are needed to maintain genetic diversity in honey bees to combat, for example, the bee susceptibility to pathogens. However, more research needs to be conducted on potential effects of management techniques on bee declines.

It is important to emphasize that scientific efforts alone are not enough. Additional strategies should be encouraged, including improvements of environmental education programs, changes in public awareness about wild bees through appropriate media coverage, and improvements in dialogue between scientists, industry, stakeholders, and legislators. Only comprehensive approaches, discussed by different societal actors, will result in efficient and long-term strategies to reduce the decline of wild bee populations.

- 46 Which of the following titles best describes this passage?
- (A) Pollinators and Their Natural Habitats.
(B) Causes for Declining Bee Populations.
(C) Pollinators and Their Contribution to Food Production.
(D) Measures for Keeping Bees from Becoming Endangered.
- 47 What is the main idea of the third paragraph?
- (A) A recent study showed deleterious effects of agrochemicals on eusocial bees.
(B) Artificial intelligence tools have been used to explore declining bee populations.
(C) More research is needed to study the link between pesticide use and bee declines.
(D) Researchers are trying to prove damaging effects of pesticides on bee populations.
- 48 According to the passage, which of the following statements is NOT true?
- (A) Bees' natural habitat loss is a major driver for their declining populations.
(B) Effects of management techniques on bee declines have been well studied.
(C) Bees' exposure to pesticide has contributed to declines in their populations.
(D) Changes in public awareness about wild bees can help reduce their declines.
- 49 Which of the following best replaces "disturbances" in the second paragraph?
- (A) Disclosures (B) Disengagements (C) Disruptions (D) Dissatisfactions
- 50 Which of the following statements can be inferred from the passage?
- (A) Declining bee populations is expected to damage global food production.
(B) Controlling climate changes can resolve the problem of bees' habitat loss.
(C) Artificial selection has replaced natural selection for genetic diversity in bees.
(D) Group scientific efforts are key to keeping wild bees from becoming endangered.