

110年公務人員特種考試司法人員、法務部調查局  
調查人員、海岸巡防人員、移民行政人員考試及110年  
未具擬任職務任用資格者取得法官遴選資格考試試題

代號：3401  
頁次：6-1

考試別：調查人員

等別：三等考試

類科組：各組別

科目：綜合法政知識與英文（包括中華民國憲法、法學緒論、兩岸關係、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，複選作答者，該題不予計分。

(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 下列憲法規定之修改變更，何者尚未造成對憲法整體規範秩序之破毀？  
(A)民主共和國原則 (B)國民主權原則 (C)權力分立與制衡原則 (D)平等選舉原則
- 2 為防治疫情，主管機關限制人民一律無限期禁止出境，有違下列何種原則？  
(A)福利國原則 (B)法律明確性原則 (C)平等原則 (D)比例原則
- 3 依司法院釋字第 748 號解釋，以性傾向作為分類標準所為之差別待遇，應適用何種程度之審查標準？  
(A)嚴格審查 (B)寬鬆審查 (C)較為嚴格之審查 (D)合理審查
- 4 憲法增修條文第 10 條第 5 項明定：國家應推行全民健康保險。依司法院釋字第 550 號解釋意旨，其所稱國家指下列何者？  
(A)僅指中央 (B)僅指地方  
(C)兼指中央與地方 (D)依情形，可能僅指中央或僅指地方
- 5 下列人民權利，何者不屬於自由權之範疇？  
(A)居住及遷徙 (B)言論及講學 (C)信仰宗教 (D)選舉及罷免
- 6 總統為下列何項行為時，須經行政院院長之副署？  
(A)任命考試委員 (B)任命審計長 (C)公布法律 (D)解散立法院
- 7 有關立法院之文件調閱權，下列敘述何者正確？  
(A)立法院之文件調閱權，以調閱文件所得資訊作為行使立法職權之資料  
(B)對於偵查中之案件，立法院亦得向檢察機關調閱相關卷證  
(C)已偵查終結而不起訴處分確定之案件卷證，立法院得向檢察機關調閱，檢察機關均不得拒絕  
(D)立法院之文件調閱權，與監察院之調查權，均屬憲法明文規定之權力
- 8 為確保法官獨立審判，下列敘述何者錯誤？  
(A)法官應具備職務獨立性，從事審判僅受法律拘束，不受其他任何形式干涉  
(B)法官受刑事或懲戒處分，得免職  
(C)法官非依法律不得停職、轉任或減俸  
(D)法官得加入政黨，但不得擔任黨職
- 9 依司法院大法官審理案件法，關於立法委員聲請大法官解釋，下列敘述何者錯誤？  
(A)須有立法委員現有總額三分之一以上提出聲請始得為之  
(B)立法委員聲請之事由，包括其行使職權，適用憲法發生疑義者  
(C)關於立法院職權行使之爭議，經法院確定裁判後，得提出聲請  
(D)立法委員聲請之事由，包括其行使職權，適用法律發生有牴觸憲法之疑義者
- 10 地方自治可以垂直的權力分立加以理解，下列何者非屬我國垂直權力分立的實踐？  
(A)組織自主性 (B)司法自主性 (C)稅收與財政自主性 (D)人事自主性

- 11 下列有關法律類型之敘述，何者正確？  
(A)行政程序法參考德國法之規定，為固有法  
(B)民法為公司法之一般法，公司法為民法之特別法  
(C)民法第 17 條第 1 項規定，自由不得拋棄，此為任意法  
(D)民法第 60 條第 1 項規定，設立財團者，應訂立捐助章程。但以遺囑捐助者，不在此限。但書之規定為原則法
- 12 下列何者非我國解嚴後推動的司法制度變革？  
(A)推動審檢分隸，將司法行政部改制為法務部  
(B)制定法官法，提升對於法官身分獨立的保障  
(C)修正軍事審判制度，軍人平時犯罪皆由普通法院審理  
(D)增設少年及家事法院，負責審理少年事件案件與家事案件
- 13 依地方制度法之規定，關於地方自治法規效力，下列敘述何者錯誤？  
(A)自治條例與上級自治團體自治條例牴觸者，無效  
(B)自治規則與基於法律授權之法規牴觸者，無效  
(C)委辦規則與憲法牴觸者，無需經函告，當然無效  
(D)自律規則與中央法規牴觸者，無效
- 14 下列關於法學三段論法之說明，何者正確？  
(A)大前提是法律規範，小前提是法律效果，結論是案例事實  
(B)大前提是案例事實，小前提是法律規範，結論是法律效果  
(C)大前提是案例事實，小前提是法律效果，結論是法律規範  
(D)大前提是法律規範，小前提是案例事實，結論是法律效果
- 15 依司法院大法官解釋意旨，若法律規定「計程車後窗玻璃應標示車牌號碼」，此規定係屬對人民職業自由之何種限制？  
(A)執行職業之限制  
(B)執行職業之客觀條件限制  
(C)選擇職業之客觀條件限制  
(D)選擇職業之主觀條件限制
- 16 依司法院大法官解釋之意旨，關於人身自由之保障，下列敘述何者錯誤？  
(A)外國人之人身自由亦同受我國憲法保障  
(B)對人身自由之剝奪或限制應遵循正當法律程序  
(C)憲法第 8 條第 1 項所稱「警察機關」，並非僅指組織法上之形式「警察」之意，應為廣義理解  
(D)依傳染病防治法強制隔離時，所需踐行之正當法律程序，與限制刑事被告人身自由之程序相同
- 17 下列何者不屬於行政行為？  
(A)行政機關任用公務人員  
(B)行政機關對下級人員所為之考績評等  
(C)訴願審議委員會所作成之訴願決定書  
(D)直轄市市議會議長依法宣誓就職
- 18 依我國著作權法規定，在電影院播放電影供購票入場之觀眾觀賞，屬於下列何種行為？  
(A)公開上映  
(B)公開演出  
(C)公開傳輸  
(D)公開播送
- 19 依中央法規標準法之規定，關於法規之適用原則，下列敘述何者錯誤？  
(A)特別法優於普通法  
(B)新普通法優於舊特別法  
(C)法規準用其他法規者，於該他法規修正後，準用修正後之法規  
(D)機關受理人民聲請許可案件，處理程序終結前，據以准許之法規有變更者，採從新從優原則

- 20 甲為乙設定抵押權之房屋投保火災險，並以甲自己為受益人，該屋於債權屆至前不幸因火災全毀，對抵押權有何影響？  
(A)抵押權消滅，但債權人得立即請求清償債務 (B)抵押權消滅，被擔保之債權成為普通債權  
(C)抵押權消滅，但可轉換為動產質權 (D)抵押權消滅，但可轉換為權利質權
- 21 中華人民共和國現行法律體系中，具有「司法解釋權」的機關包括那些？①全國人民代表大會常務委員會 ②最高人民法院 ③最高人民檢察院 ④全國人民政治協商會議 ⑤中國共產黨中央紀律檢查委員會  
(A)①②③ (B)②③⑤ (C)①②③④ (D)①②③④⑤
- 22 在大陸地區從事投資或技術合作，投資人對大陸投資累計金額不得超過多少投資金額？  
(A)個人：每年五百萬美金 (B)每戶：每年八百萬美金  
(C)中小企業：新臺幣九千萬元 (D)其他企業：沒有相關規定與限制
- 23 關於臺灣地區與大陸地區海運直航許可管理辦法規定，請問下列何者正確？  
(A)臺灣地區與大陸地區直航港口，僅限國內商港和工業港，不包括國際商港  
(B)兩岸直航港口由海洋委員會海巡署報行政院指定後公告，並刊登政府公報  
(C)大陸地區船舶入出臺灣地區直航港口期間，船舶懸掛公司旗，船艙及主桅不掛旗  
(D)船舶運送業申請經營兩岸海運客貨直航業務，應向航港局申請，許可期間以六個月為限
- 24 大陸地區人民在臺灣地區「定居」之數額，每年有人數限定的類別為何？  
(A)臺灣地區人民之親生子女，年齡在十二歲以下者  
(B)臺灣地區人民之配偶，於中華民國三十八年以前結婚者  
(C)大陸地區人民經許可進入臺灣地區定居，並設有戶籍，其十二歲以下親生子女者  
(D)臺灣地區人民之配偶，經許可在臺灣地區長期居留連續滿二年，且每年居住逾一百八十三日，並符合定居條件者
- 25 簡任第十職等及警監四階以下未涉及國家安全利益或機密之公務員及警察人員赴大陸地區的方式，下列規定何者正確？  
(A)須攜眷同行 (B)以參團為原則 (C)採個人旅遊為主 (D)僅限參加學術交流活動
- 26 經過兩年的審議，2020 年 12 月 26 日中共第十三屆全國人民代表大會常務委員會修訂通過〈中華人民共和國國防法〉，自 2021 年 1 月 1 日正式生效，請問下列敘述何者正確？  
(A)中華人民共和國的武裝力量不受中國共產黨領導  
(B)明定國家主權不屬於中國的國家核心利益範疇  
(C)強調中華人民共和國奉行積極性國防政策  
(D)首次將「分裂」和保護「發展利益」作為動員和部署軍隊的理由
- 27 有關兩岸出版品之管理，請問下列敘述何者正確？  
(A)經許可在臺灣地區發行之大陸地區雜誌、圖書可用正體字或簡體字發行  
(B)在大陸地區發行未滿一年之雜誌，經主管機關許可，臺灣地區雜誌事業得接受授權在臺灣地區發行  
(C)經許可在臺灣地區發行之大陸地區雜誌逾一年未發行，或中斷發行逾六個月，主管機關始得廢止其許可  
(D)大陸地區出版品（包括新聞紙、雜誌等）之內容有「凸顯中共標誌者」，不予許可進入臺灣地區，但因內容需要，不在此限
- 28 關於中共的黨政組織和人事，請問下列敘述何者正確？  
(A)中國共產黨全國代表大會，每三年舉行一次，由中國共產黨中央委員會召集之  
(B)中共中央於今（2021）年初宣布 10 月將召開第二十次全國代表大會  
(C)現任國家副主席王岐山，同時兼中共中央紀律檢查委員會書記和國家監察委員會主任  
(D)中共十九大的中央政治局常務委員會委員共七人，分別是習近平、李克強、栗戰書、汪洋、王滬寧、趙樂際和韓正

- 29 有關中共對臺政策的內涵，請問下列敘述何者正確？  
(A)中共對臺政策的總綱領為「一個中國原則」  
(B)鄧小平於 1984 年所提「一個國家，兩種制度」是指：在中華人民共和國內實行「社會主義制度」，香港、臺灣實行「資本主義制度」  
(C)「和平統一、一國兩制」是中國政府的基本國策，首次由江澤民提出  
(D)胡錦濤最早提出「兩岸經社融合發展」，擴大兩岸經濟交流合作，並願意率先同臺灣同胞分享大陸發展的機遇
- 30 為使維穩的法律依據更加完備與建構國家安全體系，由中共第十二屆全國人民代表大會常務委員會通過、國家主席習近平簽署頒布與施行的法律，除新訂的《國家安全法》外尚包含下列那些選項？①《反間諜法》 ②《反恐怖主義法》 ③《網路安全法》 ④《境外非政府組織境內活動管理法》  
(A)②③ (B)①②④ (C)②③④ (D)①②③④
- 31 To make the contract more complete, the hockey star \_\_\_\_\_ a clause that would guarantee him 50% of his salary if an injury ended his career.  
(A) renounced (B) inserted (C) represented (D) structured
- 32 The police \_\_\_\_\_ themselves as tourists, secretly videotaping visitors as they moved round the exhibition site.  
(A) consigned (B) harmonized (C) moderated (D) disguised
- 33 New satellite images of Antarctica just revealed a number of Emperor penguin colonies that scientists were not \_\_\_\_\_ of in their early research.  
(A) anxious (B) aware (C) afraid (D) acquired
- 34 In a democratic country, everyone is \_\_\_\_\_ to the freedom of speech and expression. This right is protected by the law.  
(A) empowered (B) enabled (C) endowed (D) entitled
- 35 After his heart attack, the doctor put him on a strict \_\_\_\_\_, and regular appointments are scheduled for further checkups.  
(A) decency (B) regimen (C) casualty (D) shipwreck
- 36 When celebrating a new year, we often wish others happiness, \_\_\_\_\_, and good health.  
(A) resistance (B) prosperity (C) temptation (D) succession
- 37 One benefit of working past the normal retirement age is the ability to \_\_\_\_\_ current standard of living by increasing lifetime income.  
(A) maintain (B) mandate (C) manifest (D) manufacture
- 38 Sadly, their recent, truncated live shows bore no evidence of new material with which to \_\_\_\_\_ their success.  
(A) sustain (B) suppress (C) suspect (D) suspend
- 39 Patrick is such a good-natured person; he practices \_\_\_\_\_ faithfully and is always more than ready to help needy people.  
(A) altruism (B) cynicism (C) euphemism (D) metabolism
- 40 At the roots of my hair a \_\_\_\_\_ sensation began and ran down the surface of my flesh, leaving me goose-fleshed and cold.  
(A) tingling (B) tempering (C) twittering (D) twinkling

請依下文回答第 41 題至第 45 題

With the advent of freezers, we're able to preserve our food longer than before. But is there a difference between fresh and frozen produce 41 nutrition? Well, it highly depends on the circumstances. Most food you take off the shelf in a grocery store 42 under-ripe to avoid damage during travel time. This means it hasn't yet reached its peak nutrition. Furthermore, the minute it is picked, its nutritional content begins to 43. When it finally appears on your dinner table days later, the food may lose up to 50 percent of its nutritional value. Frozen foods, 44, are picked when they're ripe and frozen immediately. 45 the quick freeze process may affect some of the vitamin content, it essentially locks most of the nutrients in place. Compared with the fresh produce that has been sitting around for days, there's no doubt that frozen foods contain more nutrition.

- 41 (A) instead of (B) in terms of (C) in place of (D) in spite of  
 42 (A) was harvesting (B) has harvested (C) had harvested (D) has been harvested  
 43 (A) descend (B) deflate (C) deprive (D) deteriorate  
 44 (A) in the meantime (B) in some respects (C) on the other hand (D) for the time being  
 45 (A) Although (B) Despite (C) However (D) Nonetheless

請依下文回答第 46 題至第 50 題

At the beginning of the 20th century, less than 1,000 colleges with 160,000 students existed in the US. The number of colleges skyrocketed in waves, during the early and mid 20th century. State universities grew from small institutions of fewer than 1,000 students to campuses with 40,000 more students, with networks of regional campuses around the state. In turn, regional campuses broke away and became separate universities.

To handle the explosive growth of K-12 education, every state set up a network of teachers' colleges, beginning with Massachusetts in the 1830s. After 1950, they became state colleges and then state universities with a broad curriculum. Major new trends included the development of the junior colleges. They were usually set up by city school systems starting in the 1920s. By the 1960s they were renamed as "community colleges."

Junior colleges grew from 20 in number in 1909, to 170 in 1919. By 1922, 37 states had set up 70 junior colleges, enrolling about 150 students each. Meanwhile, another 137 were privately operated, with about 60 students each. Rapid expansion continued in the 1920s, with 440 junior colleges in 1930 enrolling about 70,000 students. The peak year for private institutions came in 1949, when there were 322 junior colleges in all; 180 were affiliated with churches, 108 were independent and non-profit, and 34 were private schools being run for-profit.

Many factors contributed to rapid growth of community colleges. Students parents and businessmen wanted nearby, low-cost schools to provide training for the growing white-collar labor force, as well as for more advanced technical jobs in the blue-collar sphere. Four-year colleges were also growing, albeit not as fast; however, many of them were located in rural or small-town areas away from the fast-growing metropolis. Community colleges continue as open-enrollment, low-cost institutions with a strong component of vocational education, as well as a low-cost preparation for transfer students into four-year schools. They appeal to a poorer, older, less prepared element.

- 46 Which of the following statements is TRUE, according to the text above?
- (A) At the beginning, there were less than 1,000 colleges with 160,000 students existing in the US.  
 (B) In the 1830s, state colleges and universities were set up to train teachers for the explosive growth of K-12 education.  
 (C) Junior colleges were usually set up by city school systems starting in the 1930s.  
 (D) Community colleges were renamed from junior colleges as low-cost institutions with a strong component of vocational education.

- 47 Which of the following statements is true to the description about junior colleges?
- (A) Junior colleges grew from 1919 students to 70,000 in 1930.
  - (B) In 1949, there were 180 private junior colleges affiliated with churches.
  - (C) The rapid growth of community colleges is due to the demand for more non-profit independent institutions.
  - (D) Teachers' colleges are the community name for junior colleges.
- 48 Which is one of the factors that contributed to the rapid growth of community colleges in the United States?
- (A) It is a major new trend to include as many rural students as possible.
  - (B) The purpose is to handle the explosive growth of K-12 education.
  - (C) Parents and businessmen wanted nearby, low-cost schools in rural or small-town areas to provide training for the growing white-collar labor force.
  - (D) Many community colleges were located in the center of the fast-growing metropolis to provide more advanced technical jobs in the blue-collar sphere.
- 49 Which of the following statistics is TRUE?
- (A) Before 1919, there were already more than 170 junior colleges.
  - (B) In the 1920s, there were about 140 privately-operated junior colleges.
  - (C) In 1949, there were totally 180 junior colleges with 108 independent non-profit.
  - (D) The peak year for private community college expansion came at the year of 1922.
- 50 Which of the following statements is TRUE, according to the text above?
- (A) Community colleges enrollment is vocationally limited.
  - (B) Four-year college growth was affected by the open-enrollment policy of junior colleges.
  - (C) Community colleges provide low-cost preparation for transfer students into four-year institutions.
  - (D) Community colleges continue to appeal to young, less prepared students.