

96 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，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。

- 下列何者並非國家之構成要素？
(A)人民 (B)領土 (C)主權 (D)國際承認
- 憲法中具有本質之重要性而為規範秩序存立之基礎者，不得聽任修改。下列何者非具有此種本質之重要性？
(A)民主共和國原則 (B)國民主權原則
(C)保障人民權利 (D)人民有依法律服兵役之義務
- 我國憲法的性質為何？
(A)剛性憲法、欽定憲法、成文憲法 (B)不成文憲法、欽定憲法、柔性憲法
(C)剛性憲法、民定憲法、成文憲法 (D)成文憲法、協定憲法、剛性憲法
- 依憲法增修條文之規定，下列何者於立法院提出後，尚需經我國自由地區選舉人之投票複決？
(A)軍購案、加入聯合國案 (B)罷免、彈劾正副總統案、憲法修正案
(C)領土變更案、軍購案 (D)憲法修正案、領土變更案
- 依司法院大法官釋字第 392 號解釋意旨，下列何者對於犯罪嫌疑人擁有羈押權限？
(A)警察機關 (B)調查局 (C)檢察官 (D)法官
- 依司法院大法官釋字第 542 號解釋，主管機關「計劃遷村之手段」，係涉及何種基本權利的保障？
(A)秘密通訊自由 (B)言論自由 (C)居住自由 (D)集會自由
- 單純限制人民住居之範圍，可能會有何種人權侵害的問題？
(A)出版自由權 (B)遷徙自由權 (C)言論自由權 (D)財產權
- 下列那一項要求是憲法所保障之訴訟權的當然內涵，立法者亦應受其拘束？
(A)三級三審之審級利益 (B)受公平審判之保障
(C)上訴第三審法院之限制 (D)提出告訴或自訴之要件規定
- 依憲法第 23 條規定，基於公益理由可限制基本人權，而其限制方式須以法律為之，此段內容表彰出下列何種原則之意義？
(A)權力分立 (B)分權制衡 (C)實質平等 (D)法律保留
- 總統於犯下列何種犯罪時，不得享有刑事豁免權？
(A)殺人罪 (B)貪污罪 (C)外患罪 (D)賄選罪
- 依憲法增修條文第 5 條第 2 項之規定，司法院大法官任期八年，並為院長、副院長之司法院大法官，其大法官之任期：
(A)不受保障 (B)由立法院決定 (C)與提名之總統相同 (D)受到特別保障
- 依憲法增修條文之規定，監察委員如何產生？
(A)由總統任命 (B)由行政院院長任命
(C)由公民直選產生 (D)由總統提名，經立法院同意任命

- 13 對於行政院執行預算之監督，下列敘述何者正確？
(A)行政院應於會計年度結束後六個月內，提出決算案
(B)行政院之預算執行，由立法院之審計部審核
(C)審計部設審計長，於行政院提出決算案後三個月內，完成審核
(D)審計部之審核報告，依憲法第 105 條之規定，應提交監察院，完成整個審核程序
- 14 地方自治團體之性質為何？
(A)私法人 (B)公法人 (C)準公法人 (D)公法財團
- 15 憲法第 8 條關於人身自由保障之規定，依司法院大法官釋字第 384 號解釋，係採何種原則？
(A)行政裁量自由 (B)憲法保留 (C)命令保留 (D)契約保障
- 16 下列何者非中央法規標準法所規定法律之名稱？
(A)律 (B)條例 (C)辦法 (D)通則
- 17 普通法與特別法的效力關係為何？
(A)普通法優於特別法
(B)特別法優於普通法
(C)兩者效力相等
(D)普通法原則上優於特別法，例外時特別法優於普通法
- 18 行政法在法律的歸類上，應屬下列何法域？
(A)公法 (B)私法 (C)公、私綜合法 (D)商法
- 19 現代經濟社會，處理意外所帶來的損失，主要依靠下列何種制度？
(A)不當得利制度 (B)保險制度 (C)信託制度 (D)過失責任原則
- 20 近代法律領域彼此交織融合，繼而產生新的法律領域，不屬公法；亦不屬私法。下列何者為此類法律的早期代表？
(A)勞工法 (B)智慧財產權法 (C)通訊法 (D)國際私法
- 21 法律修正之程序準用何種程序之規定？
(A)法律之廢止 (B)法律之停止適用 (C)法律之當然廢止 (D)法律之制定
- 22 下列何者係將抽象之法律規範應用於具體之社會事實？
(A)法律之分類 (B)法律之效力 (C)法律之適用 (D)法律之體系
- 23 以下關於比例原則之敘述，何者錯誤？
(A)在憲法及行政程序法上均有規定 (B)比例原則之適用領域，並不包括給付行政
(C)主要內容包括目的、手段及利益均衡 (D)行政程序法第 7 條為比例原則之具體化規定
- 24 「行政機關不應將與行政處分目的無正當合理關聯的要素列入考慮」，係針對何項原則所為之描述？
(A)明確性原則 (B)信賴保護原則 (C)平等原則 (D)不當聯結禁止原則
- 25 「行政行為，非有正當理由，不得為差別待遇」，稱之為什麼原則？
(A)平等原則 (B)比例原則 (C)不當聯結禁止原則 (D)公益原則
- 26 下列何者無行為能力？
(A) 8 歲小孩 (B) 18 歲青少年 (C) 禁治產人 (D) 18 歲已婚青少年
- 27 甲乙雙方簽訂人口買賣契約，此買賣契約的效力如何？
(A)有效 (B)無效 (C)效力未定 (D)得撤銷

- 28 甲某日突然察覺其鄰居乙之屋內有濃厚的瓦斯味，甲為救人起見，立即持磚塊將乙屋之窗戶打破讓新鮮空氣流入，甲之行爲：
- (A)仍構成毀損罪，但應減輕其刑 (B)可依刑法「正當防衛」之規定阻卻違法
(C)可依刑法「緊急避難」之規定阻卻違法 (D)可依刑法「業務上正當行爲」之規定阻卻違法
- 29 股份之轉讓，必須將受讓人之姓名及住所記載於股東名簿，一般稱爲：
- (A)交割 (B)背書 (C)過戶 (D)註記
- 30 我國刑法第 2 條第 1 項但書謂「行爲後之法律有利於行爲人者，適用最有利於行爲人之法律。」此即所謂的：
- (A)從新原則 (B)從輕原則 (C)從舊原則 (D)從重原則
- 31 This document is highly _____, inaccessible to anyone except the Minister of Foreign Affairs himself.
- (A) descriptive (B) confidential (C) indispensable (D) optimistic
- 32 On hearing the bad news about his wife, the old man _____ and cried badly.
- (A) broke down (B) broke out (C) passed out (D) blew up
- 33 You have missed a lot of lessons. You may find it difficult to _____ with the rest of the class.
- (A) get along (B) come up (C) catch up (D) put up
- 34 Unlike his classmates who stop by Internet cafes very often, John always goes home _____ after school.
- (A) scarcely (B) generally (C) directly (D) intrinsically
- 35 She is a _____ person. She always works hard, has excellent self-control, and takes great care to follow moral goodness.
- (A) conscientious (B) generous (C) greedy (D) vicious
- 36 No visit to Taipei would be complete _____ a panoramic view of the city from the top of Taipei 101. In other words, Taipei 101 is a must-go place.
- (A) unless (B) because (C) for (D) without
- 37 The club demands a membership _____ of NT\$1,000 a year.
- (A) fare (B) fee (C) salary (D) toll
- 38 Neither the students nor the teacher _____ ready when the principal came in.
- (A) was (B) were (C) has been (D) have been
- 39 Many countries, Taiwan _____, are facing the problem of low birth rate and aging population.
- (A) include (B) inclusive (C) included (D) including
- 40 Anna had a fight with her boss yesterday, and that's _____.
- (A) why did her boss fire her (B) why she quit the job
(C) how was she fired by her boss (D) when did she decide to quit
- 41 It is discouraging to visit a potential employer _____ that he is more interested in your appearance than your qualification.
- (A) only to find out (B) to have found out (C) finding out (D) only finding out
- 42 Bobby lied to me yesterday. I wish that he _____ me the truth then.
- (A) tells (B) has told (C) would tell (D) had told

43 Rebecca, a person with strong self-confidence, never worries about _____ other people think of her.

- (A) who (B) what (C) which (D) that

About forty percent of all email traffic in the United States is spam, and this figure is climbing rapidly. Spam is usually defined as unsolicited, mass commercial email. It is often 44 advertisements for pornographic websites, drugs, or surgery that can enhance your sex life. Within another year or so, industry experts 45, half of all email messages will be unsolicited.

The flood of email marketing causes headaches for email users. 46, it costs corporations billions of dollars and reduces employee productivity. According to a recent study, the average employee spends almost seven minutes per day handling an average of 13 spam messages. This 47 to major corporate losses. The annual cost of spam has reached \$9 billion for US corporations alone.

44 (A) confused with (B) associated with (C) rejected by (D) replaced by

45 (A) decide (B) contradict (C) predict (D) deny

46 (A) Additionally (B) However (C) By contrast (D) Thankfully

47 (A) interprets (B) expresses (C) means (D) translates

A very strong element of our cultures is context. This refers to our environment, particularly how much of it is significant during communication.

In terms of context, there are two types of cultures, i.e., high context cultures and low context cultures. High context cultures assign a lot of importance to the environment surrounding a message. Some cultures usually put into this category include the Japanese, Han Chinese, and Gulf Arab. High context speakers may not state a message very directly. The meaning of the message is implied, not expressed. In order to understand what is being said, the listener must understand the situation and his or her relationship to the speaker. In different situations, a given statement could have very different meanings.

In contrast, low context cultures (such as German and American cultures are said to be) place the highest importance on the message itself, which is often quite explicit. External factors like interpersonal relationships or family histories do not usually alter the message very much. In such cultures, it is common to send a message to a large number of people and expect them all to understand the message in the same way.

48 What does the word “explicit” mean in this passage?

- (A) Ambiguous (B) Meaningful (C) Clear (D) Flexible

49 According to this passage, which of the following is true about low context cultures?

- (A) A statement is often expected to be understood by most people.
(B) External factors often influence the meaning of a statement.
(C) Speakers usually fail to state a statement straightforwardly.
(D) The same message may be interpreted differently.

50 According to the passage, which of the following is true about high context cultures?

- (A) People place the highest importance on the statement itself.
(B) The meaning of a statement is always explicitly expressed.
(C) The environment surrounding a statement does not alter the meaning very much.
(D) Part of the meaning of the statement depends on the situation and the interpersonal relation.