

98 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。

- 1 憲法第 2 條規定：「中華民國之主權屬於國民全體」，即是宣示我國採行下列那一項原則？
(A)平等原則 (B)國民主權原則 (C)比例原則 (D)法律保留原則
- 2 人民因犯罪嫌疑被逮捕時，得對下列何者聲請，向逮捕之機關要求提審？
(A)該管檢察署 (B)該管法院 (C)大法官 (D)監察院
- 3 依司法院釋字第 603 號解釋，下列有關隱私權之敘述，何者為錯誤？
(A)基於個人主體性之維護，隱私權乃為不可或缺之基本權利
(B)個人自主控制個人資料之情形屬所謂資訊隱私權
(C)隱私權屬憲法上明文列舉權利
(D)憲法對資訊隱私權之保障，並非絕對
- 4 「宗教自由」之內涵不包含下列何事項？
(A)宗教儀式自由 (B)傳教自由
(C)宗教醫療行為之自由 (D)不參加任何宗教之自由
- 5 下述情形，何者係結社自由權之行使？
(A)共同組成公司 (B)舉辦室內音樂會
(C)多人在公眾場所靜坐 (D)在市街、道路集體行進
- 6 下列各項何者不是請願行使的對象？
(A)考試機關 (B)行政機關 (C)立法機關 (D)地方法院
- 7 擔任醫師須先考試取得醫師執照，係對人民何種基本權利之限制？
(A)生存權 (B)工作權 (C)財產權 (D)人格權
- 8 依憲法增修條文規定，下列有關「提出領土變更案」的敘述，何者正確？
(A)須經全體立法委員四分之一的提議，全體立法委員三分之二的出席，出席委員四分之三的決議後方可提出
(B)須經全體立法委員四分之一的提議，全體立法委員四分之三的出席，出席委員四分之三的決議後方可提出
(C)須經全體立法委員五分之一的提議，全體立法委員三分之二的出席，出席委員四分之三的決議後方可提出
(D)須經全體立法委員五分之一的提議，全體立法委員四分之三的出席，出席委員四分之三的決議後方可提出
- 9 依憲法增修條文規定，考試院委員人數為：
(A)九人 (B)十五人 (C)十九人 (D)未規定
- 10 立法院立法委員提出之憲法修正案，須經下列那一種程序？
(A)憲法法庭複決 (B)立法院全體立法委員通過
(C)我國自由地區選舉人投票複決 (D)提交總統複決
- 11 依憲法增修條文之規定，有關罷免與彈劾總統之程序，下列何者正確？

- (A)兩者均由立法委員提議
(B)均須經司法院大法官審理
(C)最後均須人民複決通過
(D)罷免總統與彈劾總統之程序完全相同
- 12 憲法本文與增修條文關於副署的規定不盡相同，下列何者屬於增修條文之特別規定？
(A)總統宣布戒嚴，無須行政院院長之副署
(B)總統發布緊急命令，無須任何人之副署
(C)總統發布解散立法院之命令，無須行政院院長之副署
(D)總統發布總統府秘書長之任免命令，無須行政院院長之副署
- 13 依憲法增修條文之規定，總統、副總統之彈劾案最後須由何機關審理？
(A)憲法法庭 (B)考試院 (C)立法院 (D)監察院
- 14 下列何者不是我國司法院大法官的權限？
(A)宣告政黨違憲與解散政黨 (B)抽象法規審查權
(C)解釋憲法 (D)行政處分有無違背法律
- 15 憲法本文及憲法增修條文所採有關國民經濟之基本國策，下列敘述何者錯誤？
(A)應以民生主義為基本原則 (B)公用事業及其他有獨占性之企業，以公營為原則
(C)環境及生態保護，應優先於經濟及科學技術發展 (D)公營金融機構應以企業化經營為原則
- 16 因權利人單方的意思表示，能直接創設、改變或消滅某種法律關係的權利，稱之為：
(A)請求權 (B)支配權 (C)形成權 (D)抗辯權
- 17 下列何者為法律？
(A)立法院處務規程 (B)農田水利會組織通則 (C)所得稅法施行細則 (D)機密檔案管理辦法
- 18 有關法規生效日之規定，下列何者錯誤？
(A)法規明定自發布日施行者，自發布當日生效
(B)法規明定自公布日施行者，自公布之日起算至第三日起生效
(C)法規規定有施行日期者，自該特定日生效
(D)以命令特定施行日期者，自該特定日生效
- 19 下列何者非行政院會議之組織成員？
(A)交通部部長 (B)銓敘部部長 (C)政務委員 (D)行政院副院長
- 20 下列那一個國家目前的法律體系性質不屬於歐陸法系？
(A)德國 (B)法國 (C)日本 (D)紐西蘭
- 21 下列何種規定，應從嚴解釋，不可擴張解釋？
(A)原則規定 (B)例外規定 (C)概括條款 (D)例示規定
- 22 下列何者屬行政程序法第 2 條第 2 項所稱之行政機關？
(A)新竹市地價及標準地價評議委員會 (B)行政院公平交易委員會
(C)行政院衛生署醫事審議委員會 (D)內政部訴願審議委員會
- 23 密封遺囑不具備其所定方式者，依法得轉換為下列何種遺囑？
(A)自書遺囑 (B)公證遺囑 (C)代筆遺囑 (D)口授遺囑
- 24 甲將 A 車借乙使用後又將該車所有權移轉給乙，甲應如何交付 A 車？
(A)現實交付 (B)簡易交付 (C)占有改定 (D)指示交付
- 25 下列何者非我國刑法上之法定阻卻違法事由？
(A)義務衝突 (B)依法令之行為 (C)業務上之正當行為 (D)正當防衛
- 26 下列何者非罪刑法定原則之下位原則？
(A)禁止類推原則 (B)習慣法禁止原則 (C)回溯禁止原則 (D)無罪推定

- 27 下列何者非股份有限公司股東可以出資之標的？
(A)現金 (B)勞務 (C)技術 (D)對公司之貨幣債權
- 28 下列何者非屬勞工保險條例第9條所稱得繼續參加勞工保險之被保險人？
(A)應徵召服兵役者 (B)派遣出國考察者
(C)因案停職或被羈押，未經法院判決確定者 (D)因職業災害傷病請假致留職停薪，已超過二年者
- 29 美國獨立時制憲，將下列何者對於國家權力限制和制衡的理論納入憲法？
(A)洛克 (B)孟德斯鳩 (C)林肯 (D)馬丁路德
- 30 丈夫對妻子惡言相向和拳打腳踢，下列何者不是其法律效果？
(A)刑事的傷害責任 (B)民事的損害賠償 (C)行政的罰鍰 (D)禁制令
- 31 Being surrounded by the strong force of the police, the gangsters couldn't but _____.
(A) defeat (B) regulate (C) surrender (D) tolerate
- 32 The _____ woman made a point of visiting people in the hospital who had no relatives to visit them.
(A) benevolent (B) ruthless (C) ceremonial (D) supreme
- 33 The government brutally _____ the students' protest, which in turn stimulated violent backlash.
(A) collided (B) rebelled (C) alienated (D) suppressed
- 34 The actress was considered a new star in the film industry. Her first performance caused quite a _____.
(A) symptom (B) substance (C) sensation (D) shortage
- 35 Although the leader sometimes tends to _____ the situation, the team works well together.
(A) dominate (B) combine (C) invest (D) accumulate
- 36 Fortunately, the patient's condition remains _____ after the operation. She will be recovering soon.
(A) critical (B) vulnerable (C) radical (D) stable
- 37 My bookshelves were destroyed in the flood. I need to find a _____ to fix them.
(A) burglar (B) carpenter (C) plumber (D) physician
- 38 Don't _____! Just tell me directly why you object to my plan!
(A) add fuel to the flame (B) hit the jackpot
(C) find a needle in a haystack (D) beat around the bush
- 39 Whenever he gives help to those who are in need, his heart will be _____ with unspeakable joy.
(A) mixed up (B) filled up (C) put off (D) turned off
- 40 The loud singing from next door really _____ and I cannot concentrate on my reading.
(A) gets on my nerves (B) sets me up (C) puts up with me (D) calms me down
- 41 _____ I lost my health did I know the importance of it.
(A) In case (B) As soon as (C) It's when (D) Not until

請依下文回答第42-45題

Both men and women are living longer these days in industrialized countries. However, women, on the average, live longer. 42, they can expect to live six or seven years more than men. The reasons for this are both biological and cultural.

One important biological 43 that helps women live longer is the difference in hormones between men and women. Hormones are chemicals which are produced by the body to control various body functions. 44 the ages of about 12 and 50, women produce hormones that are involved in fertility. These hormones also have a 45 effect on the heart and the blood flow. In fact, women are less likely to have high blood pressure or to die from heart attacks.

- 42 (A) In general (B) By no means (C) In detail (D) As a result
- 43 (A) factor (B) gene (C) process (D) example

- 44 (A) Among (B) Between (C) After (D) Before
45 (A) neutral (B) positive (C) vicious (D) limited

請依下文回答第 46-50 題

There is a new kind of scam called “phishing,” which has plagued the Internet. Phishing sounds the same as the word “fishing,” and it implies a thief is trying to lure people into giving away valuable information. Like real fishermen, phishers use bait in the form of fake emails and false websites to con people into revealing credit card numbers, account usernames, and passwords. They imitate well-known banks, online sellers, and credit card companies. Successful phishers may convince as many as 5 percent of the people they contact to respond and give away their personal financial information. Because people who have access to the Internet (about 350 million) mostly live in wealthier countries, even tricking only 5 percent of them can make a lot of money.

Since there is so much money to make through this kind of scam, it has caught the interest of more than just small-time crooks. Recently, police tracked down an organized phishing group in Eastern Europe who had stolen millions of dollars from people online. Further investigation revealed that this group had connections with a major crime gang in Russia.

How can innocent websurfers protect themselves? Above all, always be wary of any email with urgent requests for personal financial information. Also, messages from phishers will not address recipients by name because they really don't know who the recipients are yet. On the other hand, valid messages from your bank or other companies you normally deal with typically include your personal name.

- 46 What is the main purpose of this article?
(A) To contrast phishers and hackers. (B) To report a serious phishing crime.
(C) To explain the nature of phishing. (D) To prevent Internet phishing scams.
- 47 What do “phishing” and “fishing” have in common?
(A) They both use bait to lure prey. (B) They both have 5 percent chance of success.
(C) They both need extreme patience. (D) They both make money from the Internet.
- 48 According to the article, who was behind the Eastern European phishing scam?
(A) A bank employee. (B) A Russian crime gang. (C) Small-time crooks. (D) The police.
- 49 According to this article, why is phishing likely to be profitable?
(A) The people who are cheated usually live in wealthy countries.
(B) The phishers know how to invest their money.
(C) Every phisher can have 5 percent share in each case.
(D) Phishers advertise their products through the Internet.
- 50 According to this article, which would probably NOT be found in a phishing email message?
(A) A real bank's name. (B) An offer of discount on a product.
(C) The receiver's name. (D) The name of a credit card company.