

103 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。

- 下列何國屬於總統制國家？
(A)英國 (B)美國 (C)日本 (D)德國
- 憲法增修條文第 10 條規定，國家應依據何者保障原住民族之地位及政治參與？
(A)公民自決 (B)全民投票 (C)自治條款 (D)民族意願
- 憲法基本國策中有關國民經濟、社會安全等規定係主要基於憲法何項原則而定？
(A)租稅國原則 (B)社會福利國 (C)民主原則 (D)聯邦國原則
- 依憲法本文之規定，有關人身自由之敘述，下列何者正確？
(A)除現行犯外，非經司法或警察機關依法定程序，不得逮捕拘禁人民
(B)依層級化法律保留之原理，人身自由只能以憲法限制之，不得以法律限制之
(C)除刑法上之犯罪外，法院一律不得拘束人身自由
(D)人民遭受任何機關非法逮捕拘禁時，其本人或他人得向監察院聲請追究，監察院不得拒絕
- 行政程序法第 6 條規定：「行政行為，非有正當理由，不得為差別待遇。」係何種基本權利的表現？
(A)生存權 (B)參政權 (C)平等權 (D)訴訟權
- 我國生存權之相關立法的敘述，下列何者錯誤？
(A)司法院解釋之態度歷來皆認為死刑違憲
(B)對於罹患醫學上不治之症之患者，醫師即便得其承諾，亦不得用藥物合法幫助患者自殺
(C)懷孕婦女經診斷患有礙優生之傳染性疾病者，得自願施行人工流產
(D)國家為改良農民之生活，增進其生產技能，應制定保護農民之法律，實施保護農民之政策
- 下列何者為憲法上未明文的一般平等要求？
(A)不分宗教在法律上一律平等 (B)不分黨派在法律上一律平等
(C)不分男女在法律上一律平等 (D)不分學歷在法律上一律平等
- 依憲法第 131 條之規定，各種選舉之候選人，如何競選？
(A)公開競選 (B)不得拜票
(C)以不實事實攻擊其他候選人 (D)不得在媒體上發表政見
- 依憲法增修條文第 2 條之規定，總統、副總統之罷免案，須經全體立法委員至少何比例之提議？
(A)二分之一 (B)三分之一 (C)四分之一 (D)五分之一
- 依憲法本文及增修條文之規定，有關總統、副總統之選舉，以下何者正確？
(A)中華民國國民，年滿四十歲得被選為總統、副總統
(B)總統、副總統係分別選舉，分別印製選票
(C)得票率未過半，應舉行第二輪投票
(D)任期四年，連選得連任二次
- 立法委員之言論免責權不及於下列何者？
(A)立法院院會 (B)立法院委員會 (C)立法院院內公聽會 (D)立法院院內記者會
- 依憲法之規定，各級法院之組織，應以下列那一種方式定之？
(A)法規命令 (B)行政處分 (C)法律 (D)行政規則
- 下列有關立法院立法委員自第七屆起之敘述，何者錯誤？
(A)總額為一百三十一人 (B)任期四年，連選得連任
(C)每縣市至少一人 (D)自由地區平地原住民及山地原住民各三人

- 14 下列那個機關有審理彈劾總統案之職權？
(A)監察院 (B)考試院 (C)司法院 (D)行政院
- 15 依憲法增修條文之規定，監察院為國家最高監察機關，除行使彈劾與審計權外，尚行使下列何種職權？
(A)同意權 (B)質詢權 (C)銓審權 (D)糾舉權
- 16 法律和道德，最大的差異點在於何處？
(A)可以透過國家強制力加以實現 (B)具有維持社會秩序的作用
(C)具有增進社會公益的功能 (D)是以正義為其存在的基礎
- 17 有關行政機關適用法律之敘述，下列何者錯誤？
(A)依法行政原則 (B)不受上級機關之指揮監督
(C)得為合義務性之裁量 (D)有依法訂定行政命令之權
- 18 所謂完全法條，除了要有構成要件外，還要有下列何者？
(A)法律效果 (B)立法程序 (C)司法審查 (D)行政執行
- 19 關於消費借貸契約之敘述，下列何者正確？
(A)為物權契約 (B)為諾成契約 (C)為要式契約 (D)為要物契約
- 20 民國 99 年 7 月 30 日司法院釋字第 680 號解釋宣告懲治走私條例第 2 條第 1 項之規定違憲，自解釋公布之日起，至遲於屆滿二年時，失其效力。則懲治走私條例第 2 條第 1 項之規定，何時失效？
(A)由立法院通過，總統公布後，本項規定始廢止失效
(B)由法務部發布，並公告於新聞紙後，本項規定始廢止失效
(C)至民國 101 年 7 月 30 日，本項規定如未修正，則自動失效
(D)自應失效日算至第三日起失效，即於民國 101 年 8 月 1 日失效
- 21 違法之授益行政處分經撤銷後，行政機關於特定條件下應補償受益人財產上之損失，與下列何種原則有關？
(A)法律保留原則 (B)信賴保護原則 (C)明確性原則 (D)不當連結禁止原則
- 22 下列何種財產不為法定財產制剩餘財產分配之標的？
(A)繼承所獲得之財產 (B)婚後工作所得之薪資
(C)婚前所得贈與財產於婚後所生之孳息 (D)婚後身體受傷所獲得財產上之損害賠償
- 23 依司法院大法官解釋，法院於必要時，得裁定令經常逃學或逃家之虞犯少年收容於少年觀護所，係違反下列何種原則？
(A)恣意禁止原則 (B)比例原則 (C)不當連結禁止原則 (D)公益原則
- 24 甲對乙有貸款債權五十萬元，甲將對乙之五十萬元債權讓與於丙。關於甲和丙之債權讓與契約之敘述，下列何者正確？
(A)因未經乙事前同意，故不生效力 (B)須經乙事後同意，方生效力
(C)不論乙是否同意，均為無效 (D)甲和丙合意時，即生效力，但非通知乙，對乙不生效
- 25 對於行為後法律有變更的情形，我國刑法第 2 條第 1 項採取何種處理原則？
(A)從新原則 (B)從重原則 (C)從舊從輕原則 (D)從新從重原則
- 26 下列關於故意犯罪行為階段與未遂犯之敘述，何者正確？
(A)我國刑法不處罰陰謀犯 (B)形式（附屬）預備犯係非類型化犯罪
(C)我國刑法以處罰未遂犯為原則，不處罰為例外 (D)我國刑法對於未遂犯採取必減制
- 27 民法第 265 條規定：「當事人之一方，應向他方先為給付者，如他方之財產，於訂約後顯形減少，有難為對待給付之虞時，如他方未為對待給付或提出擔保前，得拒絕自己之給付。」此種權利稱為：
(A)不安抗辯權 (B)同時履行抗辯權 (C)過失相抵抗辯權 (D)先訴抗辯權
- 28 勞工保險條例的被保險人，其父母、配偶死亡時，按其平均月投保薪資，發給幾個月的喪葬津貼？
(A)一個月 (B)兩個月 (C)三個月 (D)六個月
- 29 全民健康保險法規定私立學校教職員及其眷屬之保險費，應由被保險人自付保險費的百分比為何？
(A) 30% (B) 40% (C) 50% (D) 60%

- 30 下列關於侵害著作權民事責任之敘述，何者錯誤？
(A)著作權人得請求排除侵害
(B)對於著作財產權之侵害，著作財產權人得請求賠償損害
(C)被害人得請求由侵害人負擔費用，將判決書內容之一部或全部刊載於新聞紙、雜誌
(D)對於著作人格權之侵害，著作權人僅得請求精神上之損害賠償
- 31 Where Darwin had traced man's animal ancestry, Freud revealed the animal drives which still _____ his behaviour.
(A) classified (B) governed (C) hijacked (D) lamented
- 32 Online courses are _____ higher education, creating new opportunities for the best and huge problems for the rest.
(A) denouncing (B) humiliating (C) legitimating (D) transforming
- 33 Due to global warming and deforestation, many animals and plants are on the brink of _____ .
(A) instruction (B) distinction (C) extinction (D) tension
- 34 Every employee in the company has the rights to use the _____ inside, including gym and library.
(A) faculty (B) facilities (C) factories (D) fraternity
- 35 Be careful when moving the _____ porcelain vase, or you may break it.
(A) delicate (B) sophisticated (C) complicated (D) definite

請依下文回答第 36 題至第 40 題：

The speech of every group of people has developed differently. One reason for this is that each group often lived in isolation. Another reason is that each language grew up 36 under different conditions. Gradually, over many centuries, some groups came in contact with other groups. When this happened, their languages grew more and more 37. In other cases, however, a group would break apart, and new languages would grow from the original one. The new languages, though distinct in many ways, would 38 similarities to one another.

There are many different countries in the world today. One might conclude that each country has its own language and that languages are only as numerous as countries. Actually, there are many more languages than there are countries. 39, in the United States, we have considered English the one language of the people. Yet at one time, on the Great Plains alone, more than 22 native American languages were spoken.

In addition, a single language may have two or more dialects, or varieties. 40 is estimated that there are several thousand languages and dialects spoken in the world today.

- 36 (A) similarly (B) seemingly (C) frequently (D) separately
37 (A) alike (B) likable (C) likely (D) unlike
38 (A) attain (B) obtain (C) maintain (D) detain
39 (A) On the contrary (B) For example (C) By degrees (D) On the spot
40 (A) There (B) It (C) That (D) What

請依下文回答第 41 題至第 45 題：

Ken Aston is an internationally known soccer referee. He came from England. Aston began playing soccer when he was a young boy. In 1936, when he was 19 years old, he hurt his ankle and stopped playing soccer. He decided to become a referee and qualified as one in the same year. In 1946, he became the first referee to wear the black uniform with white trim that later became the standard for referees.

As a soccer referee, Aston made an important contribution to the sport. He invented the card system. In modern soccer competitions, referees give cards to players who break rules. A yellow card is a warning. A red card means that the player is out of the game. According to Aston, the card system prevents language problems. The cards are an international language. Every player understands what the yellow and red cards mean.

Aston said he got the idea while stopping at a traffic light. He was driving home from a 1966 World Cup match. In that game, a German-speaking referee didn't make his disciplinary calls clear. Some of the players could not understand him and had confusion in mind even after the game. So Aston came up with and pushed for the idea of showing a yellow card for an official warning and a red card for an ejection. The card system was introduced at the 1970 World Cup finals

and are now used universally. Today all soccer players understand the meaning of the cards.

- 41 What is this passage mainly about?
(A) The history of soccer. (B) Ken Aston's career and contribution.
(C) How Aston got the idea for the card system. (D) The meaning of a red or yellow card in soccer.
- 42 Which of the following statements about Ken Aston is true?
(A) He used to be a famous soccer player in England.
(B) He became a referee when he was about thirty years old.
(C) He designed the white uniform with black trim for referees.
(D) He created the card system to avoid language problems in soccer games.
- 43 Which of the following statements about the card system in soccer is true?
(A) It was invented at the 1970 World Cup finals.
(B) It was first used by a German-speaking referee.
(C) It was created by Aston while he was observing the traffic signal.
(D) It was used as an international language to replace English.
- 44 Why did Aston push for the card system in soccer games?
(A) It could avoid soccer players' confusion over the calls by referees.
(B) He could make a lot of money by inventing the system.
(C) He wanted to become a well-known soccer referee.
(D) It was one of his dreams as a young boy.
- 45 Which of the following best explains the phrase "disciplinary calls" in this passage?
(A) Informative remarks. (B) Encouraging phone calls.
(C) Strange but interesting calls. (D) Corrective or punishing rulings.

請依下文回答第 46 題至第 50 題：

Owning closets of shoes may seem superficial, but in reality women are merely paying homage to the bricklayers of modern civilization. The history of shoes dates back to 4000 B.C. when they appeared on the walls of Egyptian temples and tombs. While women today fancy a pair of stylish heels, in 1500, it was men, descendants of European nobility, who began to wear heeled shoes. Since then "well heeled" suggests being wealthy or able to afford costly shoes.

In 1533, the wedding of an Italian lady with a French nobleman brought high heels in vogue for women. The bride insisted on having heels made for her wedding, which set the rage for the new shoes in Paris. High heels stayed in style until the late 18th century, as during the French Revolution, it was considered in bad taste to show any sign of wealth. Finally, high heels emerged again in Europe in the late 19th century and continued to spread their enchantment around the world.

- 46 What is this passage mainly about?
(A) The reasons why women wear high heels. (B) Fashions of shoe styles in different countries.
(C) The history of high heels. (D) The defense for men who wear high heels.
- 47 What did a pair of heeled shoes suggest in the sixteenth-century Europe?
(A) High education. (B) Respectable ancestry. (C) Outstanding taste. (D) Great wealth.
- 48 According to this passage, where can we find the earliest appearance of shoes in human history?
(A) Egypt. (B) France. (C) Italy. (D) China.
- 49 When did women start to wear high heels?
(A) As soon as heels were invented. (B) After a noble wedding in Paris.
(C) After the French Revolution. (D) After the late nineteenth century.
- 50 Which of the following statements is true?
(A) The author thinks women's craze for heels is superficial.
(B) A French nobleman designed a pair of heels for his bride.
(C) The first pair of heels for women did not gain much attention.
(D) Heels fell out of favor during the French Revolution.