

# 《法學知識與英文（包括中華民國憲法、法學緒論、英文）》

- D 1 依地方制度法之規定，地方自治團體為處理跨區域自治事務得採行之合法方式，不包括下列何者？  
(A)訂定協議 (B)締結行政契約 (C)成立區域合作組織 (D)共同上級機關協調
- C 2 我國憲法第 137 條規定，中華民國之國防，以保衛國家安全，維護世界和平為目的。國防之組織，以法律定之。因此立法院乃據之訂定下列何者？  
(A)國家安全法 (B)國家總動員法 (C)國防法 (D)國防安全法
- A 3 未經人民許可，而侵入人民住宅之情況，下列何者不符憲法保障人民居住自由之意旨？  
(A)以蒐集情資為名進行家戶訪查 (B)依據搜索票之刑事搜索  
(C)依據法定程序之行政檢查 (D)基於緊急狀況之即時強制
- C 4 依司法院釋字第 631 號解釋之意旨，秘密通訊之自由權利，與下列何者較無關係？  
(A)維持人性尊嚴 (B)維持個人主體性 (C)維護私人財產 (D)維護人格發展完整
- A 5 依司法院大法官解釋意旨，有關集會自由之敘述，下列何者正確？  
(A)對於集會遊行之管制採行事前許可或報備程序，立法者有形成自由  
(B)群眾因特殊原因自發性聚集之偶發性集會，仍應事先申請許可，但應有緊急申請程序之設計  
(C)報備制相對於許可制而言屬於相同能達到目的之侵害較小手段，故集會遊行採事前許可制即與比例原則有違  
(D)對於不遵從解散及制止命令之首謀者科以刑責，已違反比例原則
- B 6 下列何者為憲法規定之人民義務？  
(A)繳納社會保險費 (B)服兵役 (C)受大學教育 (D)勞工加入工會
- D 7 依憲法規定，中華民國國民年滿幾歲，有依法被選舉之權？  
(A) 18 歲 (B) 20 歲 (C) 22 歲 (D) 23 歲
- B 8 依公職人員選舉罷免法之規定，下列何人得登記為候選人？  
(A)現役軍人 (B)國民兵應教育召集者 (C)替代役男 (D)辦理選舉事務人員
- D 9 關於立法院各種會議之進行，下列敘述何者錯誤？  
(A)立法院得依據行政院院長之請求，召開秘密會議  
(B)立法院除依據憲法第 67 條之規定設各種委員會外，於必要時，得增設特種委員會  
(C)立法院臨時會，以決議召集臨時會之特定事項為限  
(D)立法院院長認為有必要時，得經諮詢立法委員五分之一以上之意見後，召開臨時會
- C 10 下列何者隸屬於行政院？  
(A)中央研究院 (B)國家安全局 (C)大陸委員會 (D)國史館
- A 11 領土變更案經立法院議決通過後，須經下列何項程序始成立？  
(A)交由公民複決 (B)聲請司法院大法官審理  
(C)經監察院審議通過 (D)經行政院會議通過
- D 12 依憲法規定，立法院由立法委員組成，代表何者行使立法權？  
(A)國家 (B)機關 (C)選民 (D)人民
- C 13 下列何者非隸屬司法院？  
(A)各級法院 (B)各級行政法院  
(C)公務人員保障暨培訓委員會 (D)公務員懲戒委員會
- C 14 依司法院釋字第 725 號解釋之見解，大法官解釋宣告法令違憲而定期失效者，於所宣告失效期限尚未屆至前，對於聲請人據以聲請之確定終局裁判案件，聲請人如請求再審救濟，法院應如何處理？  
(A)予以駁回，以免影響法律效力之安定性 (B)予以駁回，因該法令尚屬有效  
(C)應受理並為實體判決 (D)應受理，但以該法律尚未失效為由，實體無理由駁回
- D 15 依監察法第 26 條規定，監察院為行使監察職權，得由監察委員持下列何種證件，赴各機關部隊公私團體調查檔案冊籍及其他有關文件？  
(A)調查證 (B)指揮證 (C)委員證 (D)監察證

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- D 16 與英美法系相較，關於大陸法系特徵之敘述，下列何者錯誤？  
 (A)為成文法 (B)設有行政法院  
 (C)不採陪審制之法庭組織 (D)以判例為中心，作歸納思考
- A 17 民法第 6 條規定：「人之權利能力，始於出生，終於死亡」，此一規定與下列何者有密切關係？  
 (A)基本權保障 (B)契約自由 (C)所有權保障 (D)過失責任原則
- D 18 下列何者為憲法明文規定之事項？  
 (A)憲法的制定程序 (B)立法院制定法律之三讀程序  
 (C)立法委員有法律提案權 (D)考試院得向立法院提出法律案
- A 19 有關法治國原則之敘述，下列何者錯誤？  
 (A)法治國原則已是具有完整清楚明確內容之概念  
 (B)人性尊嚴是法治國原則之主觀支柱  
 (C)基本權利保障是法治國原則之主觀支柱  
 (D)權力分立是法治國原則之客觀內涵
- A 20 憲法第 52 條規定，總統除犯內亂或外患罪外，非經罷免或解職，不受刑事上之訴究。司法院釋字第 388 號解釋認為：現職總統競選連任時，因其已名列總統候選人，其競選活動固應受總統副總統選舉罷免法有關規定之規範，惟其總統身分並未因參選而變更，所以現職總統依法競選連任時，除犯內亂或外患罪外，非經罷免或解職，並不得適用刑法及總統副總統選舉罷免法等有關刑罰之規定予以訴究。司法院釋字第 388 號解釋所依據的法律原則是：  
 (A)憲法優於法律 (B)總統不必守法  
 (C)從新從優原則 (D)特別法優於普通法的原則
- D 21 憲法明定行政院、立法院、司法院、考試院及監察院，分別為國家最高行政、立法、司法、考試及監察機關，此為下列何項憲法原則之具體落實？  
 (A)國民主權原則 (B)民主原則 (C)共和國原則 (D)權力分立原則
- B 22 關於聲請司法院大法官解釋主體及事項之敘述，下列何者錯誤？  
 (A)中央或地方機關，於其行使職權適用憲法發生疑義或因行使職權與其他機關之職權，發生適用憲法爭議時得聲請之  
 (B)任何人民於其憲法上所保障之權利遭受不法侵害經依法定程序提起訴訟後，無論對任何審級法院判決適用法律或命令發生有牴觸憲法疑義者得聲請之  
 (C)依立法委員現有總額三分之一以上之聲請，就其行使職權適用憲法發生疑義或適用法律發生有牴觸憲法之疑義者得聲請之  
 (D)各級法院法官就其所受理之案件，對於所適用之法律或命令確信有牴觸憲法之疑義時，得以裁定停止訴訟程序並聲請之
- A 23 關於使用借貸契約之敘述，下列何者錯誤？  
 (A)使用借貸契約預約成立後，無論如何預約貸與人均不得撤銷該約定  
 (B)使用借貸為無償契約  
 (C)使用借貸為要物契約  
 (D)原則上借用人不得將借用物允許他人使用
- D 24 有關袋地通行權之敘述，下列何者錯誤？  
 (A)袋地是因其所有人之任意行為所致者，土地所有人無通行鄰地之權利  
 (B)有通行權之土地所有人，應擇其周圍地損害最少之處所及方法為之  
 (C)有通行權之土地所有人，對於通行地因此所受之損害，應支付償金  
 (D)有通行權之土地所有人不得開設道路
- D 25 行刑權因期間內未執行而消滅，下列敘述何者錯誤？  
 (A)甲犯殺人罪，宣告無期徒刑，其行刑權時效期間為 40 年  
 (B)乙犯強盜罪，宣告 5 年有期徒刑，其行刑權時效期間為 30 年  
 (C)丙犯竊盜罪，宣告 2 年有期徒刑，其行刑權時效期間為 15 年  
 (D)丁犯誹謗罪，宣告拘役 40 天，其行刑權時效期間為 5 年
- B 26 下列行為之結果，何者非刑法第 10 條第 4 項所稱之重傷？  
 (A)甲覺得惡作劇很有趣，拿擴音設備在乙之耳邊大喊，致乙雙耳耳膜破裂失聰  
 (B)甲乙打架，將乙的頭髮，幾乎全部拔光  
 (C)甲將乙的左手大拇指、食指、中指砍斷  
 (D)甲開車將乙撞成植物人

- A 27 甲於民國 101 年 1 月 27 日從乙電視購物台購買某一保養品，並於同年同月 29 日收到該物品。甲於同年 2 月 4 日拆開該保養品之外盒包裝後（但未開瓶），突生悔意，遂於當日以宅急便將該保養品退回於乙，而乙也於當日收訖。下列關於解除買賣契約效力之敘述，何者正確？  
 (A)有效，因甲在法定期限內行使解約權  
 (B)有效，因甲乙雙方對於解除契約的條件、期限及方式並無特別約定  
 (C)無效，因甲解除契約無正當理由  
 (D)無效，因甲解除契約未以書面方式為之
- A 28 A 公司、B 公司均為股份有限公司。A 公司已發行 900 萬股普通股、B 公司已發行 1200 萬股普通股。A 公司持有 B 公司 420 萬股，B 公司持有 A 公司 310 萬股，A、B 公司知有相互持股之事實，則各得於對方所召開之股東會行使之表決權股數為何？  
 (A)A 公司得行使 400 萬股表決權、B 公司得行使 300 萬股表決權  
 (B)A 公司得行使 420 萬股表決權、B 公司得行使 300 萬股表決權  
 (C)A 公司得行使 400 萬股表決權、B 公司得行使 310 萬股表決權  
 (D)A 公司得行使 420 萬股表決權、B 公司得行使 310 萬股表決權
- A 29 根據全民健康保險法第 78 條規定，全民健康保險的安全準備總額，以相當於最近精算多少個月的保險給付支出為原則？  
 (A)一到三個月 (B)四到六個月 (C)七到八個月 (D)九到十二個月
- B 30 甲女與乙男二人均滿 18 歲，沒有同居下隱瞞家人私下交往，但甲女打算提出分手以準備學測，乙男無法接受且毆打甲女。有關家庭暴力防治法規定，下列何者正確？  
 (A)甲女已滿 18 歲，可以自行提出保護令聲請  
 (B)甲女與乙男二人雖然沒有同居，但甲女父母可以為甲女向法院聲請保護令  
 (C)甲女父母親不捨孩子被打，打算聘僱律師提出傷害告訴，可以向縣市政府提出律師費補助  
 (D)有位單戀甲女同學丙男，知道甲乙兩人分手，不斷以電話騷擾甲女要求與甲女約會，甲女亦可聲請保護令
- B 31 Looking left and right, the thief walked cautiously down the hallway to \_\_\_\_\_ the security guards.  
 (A) afford (B) avoid (C) assign (D) assure
- A 32 In Philadelphia, a new kind of trash can is \_\_\_\_\_ waste management via cutting down on air pollution and potentially saving the city millions in the process.  
 (A) revolutionizing (B) comprehending (C) comforting (D) rendering
- B 33 Obviously, Joe thought too highly of himself and enjoyed behaving \_\_\_\_\_ to draw the attention of people around him.  
 (A) concordantly (B) pretentiously (C) recursively (D) sporadically
- B 34 On a clear night in the countryside, we have a very good chance to see many stars \_\_\_\_\_ in the sky.  
 (A) colliding (B) glistening (C) retrieving (D) smothering
- A 35 Dolphins and sharks are natural enemies. Sharks are \_\_\_\_\_ of dolphins, and will kill and eat young dolphins if they can.  
 (A) predators (B) protectors (C) successors (D) survivors
- D 36 A person's facial expressions and gestures \_\_\_\_\_ powerful messages that go beyond words.  
 (A) alleviate (B) conceal (C) evolve (D) transmit
- C 37 Fans waited outside the movie theater, hoping to catch a \_\_\_\_\_ of their favorite stars.  
 (A) glitter (B) cold (C) glimpse (D) clue
- C 38 Scientists have been searching for better, faster and cleaner \_\_\_\_\_ sources of energy in order to create better lives and help solve the pollution problem.  
 (A) allusive (B) allocative (C) alternative (D) allergic
- A 39 My sister has a \_\_\_\_\_ memory. She remembers every single thing she sees and hears, and she never forgets.  
 (A) remarkable (B) pristine (C) compulsive (D) reluctant
- C 40 We essentially know the world in terms of a specific cultural package or preconception, and we are so unaware of it that the most liberal of us go through life with a kind of ethnocentricity that automatically rules out all other ways of seeing the world.  
 (A) We pursue diversity in our lives and are always aware of different cultures.  
 (B) We have a clear understanding that we need to incorporate different cultures in our ways of life.  
 (C) We are born into a cultural preconception that we call reality and never question it.  
 (D) Most of us go through life not knowing that we are liberated by cultural package.

- D 41 Locational changes have been made possible by easy access to IT networks, so much so that financial and office functions no longer require spatial proximity.
- (A) Companies and offices do not require a great amount of space simply because of the availability of Internet connection.
- (B) The spread of IT networks has resulted in a change in financial and office functions, as well as in locations.
- (C) IT networks that are widespread in the modern world have helped reduce the running cost of businesses.
- (D) Locational changes are made possible due to widespread Internet connection; financial and office functions no longer require physical adjacency.

請依下文回答第 42 題至第 46 題：

Internet cookies are small information files that websites put onto personal computers. The main function of cookies is to give Internet users quick 42 to webpages. For example, because of cookies, customers on e-commerce sites can keep items in their shopping carts while they look at 43 products and then check out with ease whenever they are ready. Cookies also allow a website to remember personal information such as a 44 name, home address, email address, and phone number, so that these items do not have to be 45. For online sellers, cookies provide an important advantage. They allow the sellers to collect information about visitors to a website. 46 can then use the customer data for advertising and other marketing purposes. Although there are concerns about what sellers might do with private information, it is clear that cookies have their benefits.

- B 42 (A)asset (B)access (C)essence (D)excess
- B 43 (A)charitable (B)additional (C)doubtful (D)extinct
- B 44 (A)backpacker's (B)consumer's (C)manager's (D)diplomat's
- A 45 (A)reentered (B)remitted (C)revenged (D)remunerated
- C 46 (A)Lunatics (B)Guardians (C)Merchants (D)Perverts

請依下文回答第 47 題至第 50 題：

The *Warcraft* video game franchise from Blizzard Entertainment is now 22 years old. The most successful game in this series has been *World of Warcraft (WOW)*, a massively multiplayer online role-playing game. According to Blizzard, over 100 million subscribers have played *WOW*. The extremely popular spinoff game *DOTA (Defense of the Ancients)* is also played at some of the biggest gaming competitions in the world.

Over the years, *WOW* has been considered by many people to be more than just a game. It has also been seen as a training ground for real-life business leaders. Players in *WOW* join together in large teams, called guilds. A player who wishes to be a successful leader, or "master," of a team must learn how to attract new players to the group, evaluate each player, and arrange for him or her to be taught by experienced players. In addition, the leader must settle any quarrels that develop between team members and oversee development of strategies that the team will use to defeat its opponents. The lessons the leader learns through the game can be applied in real life.

A *Warcraft* film, in development since 2006, hits theaters this month. Its plot focuses on the arrival of Orcs looking to build a colony in the realm of humans and the conflict that arises between the two groups. Video-game fans will be pleased to know that the film's director, Duncan Jones, is a player of the game, as are some of the actors. Anticipated by both gamers and movie fans, *Warcraft* may be the next big film franchise.

- C 47 What is this passage mainly about?
- (A) Making big money through games. (B) Beating opponents in video games.
- (C) *WOW*'s success story. (D) *WOW*'s excellent reviews.
- A 48 Which of the following statements is true about *WOW*?
- (A) It offers useful training for leadership. (B) It is not practical for real-life business.
- (C) It leads to quarrels among its players. (D) Its teams are quite localized.
- C 49 What will the guilds of *WOW* NOT do?
- (A) To attract new players. (B) To settle any quarrels.
- (C) To hold a contest. (D) To evaluate each player.
- B 50 Which of the following do the gamers look forward to?
- (A) A new series of *Warcraft* online magazine. (B) A motion picture based on *Warcraft*.
- (C) A workshop that extends the *Warcraft* game. (D) A *Warcraft* concert with amazing prizes.

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