

110 年公務人員特種考試警察人員、一般警察人員及國家安全局國家安全情報人員考試及 110 年特種考試交通事業鐵路人員、退除役軍人轉任  
公務人員考試試題

等 別：鐵路人員考試

類 科：員級考試、四等考試

類 科 別：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)

- (C) 1. 下列何者符合司法院大法官有關憲法第 7 條解釋之意旨？
- (A)對於應考試服公職權利所為之差別待遇，應僅受寬鬆審查即可
  - (B)立法者制定法律，將福利資源為限定性之分配，違反平等權之要求
  - (C)憲法第 7 條保障之平等權，並不當然禁止任何差別待遇
  - (D)法規範是否合乎平等權之要求，僅繫於其所為差別待遇之目的否具正當性
- (A) 2. 依司法院大法官解釋，關於契約自由之敘述，下列何者錯誤？
- (A)祭祀公業之設立及存續，涉及設立人及其子孫之結社自由，與契約自由無涉
  - (B)法律禁止公職人員與其服務之機關為買賣等交易行為，就該公職人員而言，乃屬對其契約自由所為之限制
  - (C)契約自由屬憲法第 22 條所保障其他自由權利之一種。惟國家基於維護公益之必要，得以法律為合理之限制
  - (D)涉及財產處分之契約內容，應受憲法第 15 條財產權之保障
- (D) 3. 依憲法第 165 條規定，國家應依國民經濟之發展，保障並隨時提高下列何者之待遇？
- (A)公務人員及勞動者
  - (B)軍人及婦女工作者
  - (C)警察人員及農民
  - (D)教育、科學、藝術工作者
- (B) 4. 依憲法增修條文及相關法律規定，關於政黨違憲之解散事項，下列敘述何者錯誤？
- (A)政黨違憲，指政黨之目的或其行為，危害自由民主之憲政秩序
  - (B)政黨違憲解散案件之程序，得準用刑事訴訟法之規定
  - (C)由主管機關向司法院大法官聲請解散之
  - (D)由司法院大法官組成憲法法庭審理之
- (D) 5. 有關法院提審被逮捕拘禁人民之敘述，下列何者正確？
- (A)法院對於提審之聲請，得令逮捕拘禁之機關於 24 小時內查覆
  - (B)逮捕拘禁之機關，應依上級機關指示，決定是否配合提審
  - (C)提審之聲請，僅可由該管檢察署聲請之
  - (D)提審之聲請，得由他人為之
- (D) 6. 憲法第 13 條保障人民有信仰宗教自由，下列敘述何者錯誤？
- (A)保障人民的內在信仰自由
  - (B)保障人民從事宗教崇拜儀式的活動自由
  - (C)保障人民以口頭、文字或圖像等方式宣揚其信仰
  - (D)保障政教合一
- (B) 7. 依憲法、憲法增修條文規定及司法院大法官解釋意旨，下列關於總統與行政院院長之敘述，何者錯誤？
- (A)行政院院長由總統任命之
  - (B)總統在憲法及憲法增修條文所賦予之行政權範圍內，為最高行政首長

- (C)行政院副院長由行政院院長提請總統任命之  
(D)行政院大陸委員會委員由行政院院長任命之
- (D) 8. 依司法院大法官相關解釋，大學生受學校行政處分或其他公權力措施侵害權利之救濟，下列敘述何者正確？  
(A)受學校記申誡，不得提起校內申訴  
(B)受退學處分，方得提起行政爭訟  
(C)受學校記大過，僅得提起校內申訴  
(D)如侵害學生之基本權利，不問係學校何種措施，皆得提起行政爭訟
- (D) 9. 下列何者非屬憲法本文直接規定之人民義務？  
(A)納稅義務 (B)服兵役義務 (C)受國民教育義務 (D)服勞動義務
- (D) 10. 依據憲法增修條文規定，下列何者，並無赴立法院院會接受質詢之義務？  
(A)行政院院長 (B)行政院秘書長  
(C)國防部部长 (D)公平交易委員會主任委員
- (B) 11. 公職人員選舉罷免法規定，選舉訴訟採二審終結不得提起再審之訴，大法官認為：  
(A)侵害訴訟權  
(B)確定判決應否設有再審之程序，屬立法機關自由形成之範疇  
(C)選舉、罷免為公法上之權利，其爭議之處理，不應與民事訴訟有別  
(D)再審係為救濟原確定判決之認定事實錯誤而設，故選舉訴訟亦應設有再審程序
- (C) 12. 副總統缺位時，依總統副總統選舉罷免法之規定，應如何遞補？  
(A)總統兼任 (B)內政部部长兼任  
(C)由立法院進行補選副總統 (D)重新辦理副總統選舉
- (C) 13. 下述何種人員之任命毋需經立法院同意？  
(A)司法院大法官 (B)監察院審計長 (C)行政院院長 (D)考試院考試委員
- (B) 14. 有關立法院之敘述，下列何者錯誤？  
(A)立法院院長、副院長，由立法委員互選之  
(B)立法院院長因事故不能視事時，由立法委員互選代理人，代理其職權  
(C)立法院臨時會，得由立法委員四分之一以上請求召開之  
(D)立法院會議，原則上以立法院院長為主席
- (D) 15. 法官於審理案件時，對於在個案中應適用之法律，依其合理之確信，認為有牴觸憲法之疑義者，應何處理？  
(A)法官必須依據法律獨立審判，因此法官不能拒絕適用，只能逕行判決  
(B)法官得直接拒絕適用違憲之法律，並宣告所應適用之法律係屬違憲  
(C)法官得直接拒絕適用違憲之法律，但不能宣告所應適用之法律係屬違憲  
(D)法官不得拒絕適用法律，而是應裁定停止訴訟程序，聲請司法院大法官解釋
- (D) 16. 關於一般法與別法的區分，下列敘述何者錯誤？  
(A)二者係以法律適用之範圍作為區分標準  
(B)區別實益在於決定法律適用的先後  
(C)一般法與特別法的區分是相對性的  
(D)公司法是民法的特別法，公司法也是證券交易法的特別法
- (D) 17. 下列有關「命令」的敘述，何者錯誤？  
(A)「命令」的名稱可為「標準」或「準則」  
(B)行政機關基於法律授權所訂定的命令，其性質為「法規命令」  
(C)命令不得牴觸憲法

- (D)命令的廢止須經立法院通過
- (C) 18. 依中央法規標準法之規定，下列何者非屬法律？
- (A)運動彩券發行條例 (B)地方稅法通則  
(C)商業會計處理準則 (D)有機農業促進法
- (A) 19. 依中央法規標準法之規定，有關法規之廢止，下列敘述何者正確？
- (A)命令之廢止，由原發布機關為之，無須再經立法院通過  
(B)法律之廢止，無須再經立法院通過，得逕由總統公布  
(C)法規定有施行期限者，期滿之日起算至第三日起失效  
(D)同一事項已定有新法規，並公布或發布施行者，舊法規當然失效
- (B) 20. 有關法律漏洞，下列敘述何者錯誤？
- (A)法規不完全，通稱為法規有漏洞  
(B)立法者有意不規範者，也屬法律漏洞  
(C)民事法規中立法者，立法者無意中疏漏未予規定之事項，可用類推適用填補之  
(D)立法者忽略某些事項的差異，而未自構成要件中予以剔除者，應以目的性限縮填補該漏洞
- (D) 21. 依憲法訴訟法規定，下列有關「人民聲請憲法裁判」之敘述，何者錯誤？
- (A)人民得以法院裁判違憲而聲請憲法裁判  
(B)人民聲請憲法裁判須窮盡審級救濟的途徑  
(C)人民聲請憲法裁判的案件須具憲法重要性  
(D)人民聲請憲法裁判須於該不利確定終局裁判送達後一年內為之
- (C) 22. 下列有關行政處分之敘述，何者錯誤？
- (A)行政機關認為有必要時，得依職權舉行聽證而作成行政處分  
(B)如行政處分所根據之事實已臻明確，行政機關於作成行政處分時得不給予相對人陳述意見之機會  
(C)違法之行政處分經撤銷後，原則上自撤銷之日起發生效力  
(D)書面之行政處分自送達相對人起發生效力
- (C) 23. 行政機關作成裁罰性行政處分前，應給予處分相對人陳述意見之機會，係屬下列那一法律原則之落實？
- (A)誠實信用原則 (B)比例原則 (C)正當法律程序原則 (D)明確性原則
- (A) 24. 總統甲為貫徹其外交理念，允諾每年提供一定數額金錢援助 A 國，行政院遂依總統指示與該國簽訂相關協定。依憲法及增修條文規定，下列敘述何者正確？
- (A)立法院得聽取總統國情報告  
(B)立法委員得質詢總統  
(C)立法院各種委員會得邀請總統報告  
(D)立法院各黨團得邀請總統報告
- (B) 25. 依司法院大法官解釋，下列何者未違反憲法所要求之平等？
- (A)民法夫妻財產制修正後，對於修正前已發生之聯合財產，仍由夫繼續享有權利  
(B)祭祀公業例施行前，祭祀公業無規約或規約未規定者，其派下員為設立人及其男系子孫  
(C)妻以夫之住所為住所  
(D)民法親屬編婚姻章，未使相同性別二人，成立永久結合關係
- (D) 26. A 地為甲所有，甲先將 A 地借予乙並交付使用。嗣後，甲再將 A 地出賣並移轉登記予丙。下列敘述，何者正確？
- (A)甲和丙之買賣契約效力有效，但移轉 A 地所有權予丙之物權行為無效

- (B)甲和丙之買賣契約效力未定，但移轉 A 地所有權予丙之物權行為有效  
 (C)丙得依所有權人之地位請求乙返還 A 地，但乙得以買賣不破借貸對抗丙  
 (D)丙得依所有權人之地位請求乙返還 A 地，且乙不得以先成立之使用借貸契約對抗丙
- (C) 27. 下列那一個請求權之消滅時效期間最短？  
 (A)不當得利返還請求權 (B)商人所賣商品之價金給付請求權  
 (C)出租人每月之房租請求權 (D)所有物返還請求權
- (C) 28. 下列何者不屬於行政程序法所規範之行政機關？  
 (A)臺中市政府法務局 (B)代行政院環境保護署檢驗排氣之機車行  
 (C)臺北地方法院民事執行處 (D)中央研究院
- (D) 29. 甲出賣 A 屋予乙，尚未交付和辦理所有權之移轉登記給乙，乙已支付價金，但在交付 A 屋之前夕，丙隨機放火而燒毀 A 屋。有關其法律效力，下列敘述何者正確？  
 (A)乙對丙得主張侵權行為之損害賠償  
 (B)乙已支付價金，房屋失火所生損害之危險，應由乙負擔之  
 (C)乙對甲得主張債務不履行之損害賠償  
 (D)乙得向甲請求讓與其對丙之侵權行為損害賠償請求權
- (C) 30. 依民法之規定，關於婚姻居間而約定報酬者，下列敘述何者錯誤？  
 (A)婚姻居間契約有效  
 (B)報酬約定有效  
 (C)居間人無報酬請求權  
 (D)居間人若受領報酬者，委託人得依不當得利請求權請求返還報酬
- (A) 31. Martha stayed awake, lying on the bed and \_\_\_\_\_ up at the ceiling.  
 (A) gazing (B) gearing (C) gleaming (D) gripping
- (B) 32. The young couple was forced to give up their home because they couldn't afford the \_\_\_\_\_.  
 (A) exemption (B) mortgage (C) poverty (D) redemption
- (A) 33. Humpback whale's digestive tube is only about the size of a grapefruit, making it \_\_\_\_\_ to swallow big creatures like sea lions.  
 (A) impossible (B) possible (C) competent (D) important
- (B) 34. The millionaire is so \_\_\_\_\_ that he regularly donates a great amount of money to charities.  
 (A) brave (B) generous (C) offensive (D) stingy
- (B) 35. Laughter has the same stress-relieving effects as exercise; a good hearty laugh is the \_\_\_\_\_ to several minutes of exercise.  
 (A) consensus (B) equivalent (C) prescription (D) symptom
- (C) 36. The dog seems to be \_\_\_\_\_ toward people near it. It is always barking at them.  
 (A) hospitable (B) fertile (C) hostile (D) mobile
- (B) 37. Technology changes fast. People who don't use a smartphone often can easily feel \_\_\_\_\_ by the new technology.  
 (A) backed up (B) left behind (C) kicked off (D) carried away
- (B) 38. The retired CEO had been in excellent physical health, but recently he \_\_\_\_\_ pneumonia in both lungs and passed away in two weeks.  
 (A) acquired (B) contracted (C) relieved (D) engaged
- (A) 39. Professor Lin was knowledgeable and experienced. Everyone in the class \_\_\_\_\_ him.  
 (A) looked up to (B) looked forward to  
 (C) looked out for (D) looked ahead to

- (C) 40. Before printing, the making of a book was a \_\_\_\_\_ process, full of chances for error.  
(A) convenient (B) glorious (C) laborious (D) mutual

請依下文回答第 41 題至第 45 題：

In a recent study, professional male dancers trained in either ballet or capoeira, a Brazilian martial art, were asked to watch videos of both dance styles. Their brains were scanned during the process and two areas\_\_41.\_\_\_ movement were focused-the pre-motor cortex and the visual-motor integration cortex. Both of the areas showed more activity when a skilled dancer saw movements he had been trained to perform, compared with watching movements he hadn't been trained to perform. The study also scanned the brains of those who were not dancers. It was found that there was no difference in their brain activity whether they watched ballet or capoeira.\_\_ 42.\_\_\_,their brains did not discriminate.

The result shows that by lying still and simply watching others move, you can activate movement areas of the brain \_\_43.\_\_\_you were moving yourself ! These areas contain mirror neurons, which are believed to be vitally important to human behavior-to interpret other people's actions and intentions. They have probably been fundamental to our \_\_44.\_\_\_, allowing us to imitate our parents and quickly transfer skills and culture to the next generation. Perhaps greater knowledge of this mirror system could help injured athletes and dancers. They can continue to train without moving a muscle-by simply watching someone else do the movements\_\_45.\_\_\_ their bodily injury recovers. There is also an appealing though completely untested idea that maybe disorders such as autism have something to do with disruption of these mirror neuron systems.

- (A) 41. (A) related to (B) resulted in (C) made up of (D) thought of as  
(C) 42. (A) What's more (B) For instance (C) In other words (D) On the contrary  
(A) 43. (A) as if (B) now that (C) given that (D) even though  
(A) 44. (A) evolution (B) occupation (C) transmission (D) conservation  
(B) 45. (A) once (B) until (C) after (D) because

請依下文回答第 46 題至第 50 題：

Marc Potenza, a psychiatrist at Yale and the director of the school's Program for Research on Impulsivity and Impulse Control Disorders, has been treating addiction for more than two decades. Early in his career, he, like most others studying addiction at the time, focused on substance-abuse problems-cocaine and heroin addicts, alcoholics, and the like. Soon, however, he noticed patients with other problems that were more difficult to classify. There were, for example, the sufferers of trichotillomania, the inescapable urge to pull your hair until it falls out. Others had been committed for problem gambling they couldn't stop no matter how much debt they had accumulated. It was to this second class of behaviors-at the time, they were not called addictions-that he turned his attention. Were they, he wondered, fundamentally the same ?

In recent years, however, Potenza has been increasingly treating a new kind of problem: people who come to him because they can't get off the Internet. Internet. In some ways, it seems exactly like the behavioral addictions that he has been treating for years, with much of the same consequences. There's something different, and more complicated ,about Internet addiction, though. Unlike gambling or even trichotillomania, it's more difficult to pin down a quantifiable, negative effect of Internet use.

- (D) 46. What is the main idea about this passage ?  
(A) The dangers of addiction. (B) The mysteries of addiction.  
(C) The way to overcome addiction. (D) The causes and effects of addiction.  
(B) 47. According to Marc Potenza, a psychiatrist, which of the following statements is true ?

- (A) It is easy to pin down the real effect of Internet use.
  - (B) Internet addiction is more complicated than gambling addiction.
  - (C) Substances and behaviors have nothing in common when it comes to addiction.
  - (D) We can always classify an addiction if we continue to work on our research for a long time.
- (B) 48. Why had some people been committed for problem gambling ?
- (A) They liked gambling.
  - (B) They just could not stop.
  - (C) They were not heavily in debt.
  - (D) They tried to win as much money as possible.
- (C) 49. Which of the following statements about Internet addictions is true ?
- (A) Internet addiction can be classified as a mental disorder.
  - (B) We can finally track down the causes of Internet addiction.
  - (C) In some ways, it seems exactly like the behavioral addictions.
  - (D) We may conclude that it is impossible to get rid of Internet addiction.
- (A) 50. Which of the following is a substance-abuse problem ?
- (A) Alcoholics.
  - (B) Trichotillomania.
  - (C) Internet addiction.
  - (D) Gambling addiction.