

102 年公務人員特種考試司法人員考試試題

等 別：四等考試

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)

- (D) 1. 行政院提出決算後，依法完成審核，審計長應向何者提出審核報告？
(A)監察院 (B)司法院 (C)總統 (D)立法院
- (D) 2. 下列那一事項，依憲法本文及增修條文規定，並非司法院大法官之職權所在？
(A)解釋憲法 (B)審理副總統彈劾案
(C)統一解釋法律及命令 (D)審理公務員懲戒案件
- (A) 3. 依據憲法增修條文第5 條第1 項之規定，司法院副院長應由何人提名？
(A)總統 (B)立法院院長 (C)司法院院長 (D)大法官連署
- (C) 4. 下列官員，何者須經立法院同意？
(A)考選部部长 (B)行政院政務委員
(C)考試委員 (D)監察院秘書長
- (D) 5. 下列何者並非立法院的職權？
(A)倒閣權 (B)質詢權 (C)人事同意權 (D)審理受彈劾之總統
- (B) 6. 依據憲法增修條文規定，行政院院長如何產生？
(A)由總統提名，經立法院同意後任命 (B)由總統任命
(C)由立法院多數黨領袖出任 (D)由公民直選產生
- (A) 7. 行政院不得就下列何者提起覆議？
(A)大赦案 (B)法律案 (C)預算案 (D)條約案
- (B) 8. 依憲法增修條文第2 條之規定，總統享有緊急命令發布之權，惟其必須經由何機關追認，否則該命令即失效？
(A)行政院 (B)立法院 (C)司法院 (D)國家安全會議
- (A) 9. 下列敘述何者錯誤？
(A)人民得罷免所選出之政黨比例代表
(B)我國憲法明文規定了應保障在外國居住之本國人的選舉權
(C)選舉應以普通、平等、直接及無記名投票之方法行之
(D)競選之過程，應以公開為原則
- (C) 10. 下列對於居住及遷徙自由的描述，何者錯誤？
(A)包含入出國境的自由 (B)包含使用任何不同的交通工具的自由
(C)包含隨意進入他人住宅的自由 (D)包含設定住所之自由
- (A) 11. 人民組織政黨主要是憲法所保障的何種基本權利？
(A)結社自由 (B)信仰自由 (C)表現自由 (D)集會自由
- (B) 12. 選舉時不得亮票，乃是下列何原則之要求？
(A)普通 (B)無記名 (C)直接 (D)平等
- (B) 13. 憲法之解釋，由下列何機關為之？
(A)立法院 (B)司法院 (C)行政院 (D)監察院
- (C) 14. 依憲法第 143 條第3 項之規定，土地價值非因施以勞力資本而增加者，國家應如何處理？
(A)依法徵收土地 (B)減少土地增值稅
(C)徵收土地增值稅 (D)免除地價稅
- (D) 15. 中華民國之主權屬於：
(A)總統 (B)執政黨 (C)立法委員 (D)國民全體
- (C) 16. 甲擔任客運隨車服務員，因懷孕申請調職，卻遭客運公司主管嘲諷：「有看過大肚子的在賣票的嗎？」拒絕其調職之申請，並要求甲自動離職。請問該客運公司主管之行為已違反：

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- (A)消費者保護法 (B)勞工保險條例 (C)性別工作平等法 (D)家庭暴力防治法
- (B) 17. 依勞動基準法第3條第3項之規定，本法適用於一切勞雇關係，但因特定因素致適用上確有窒礙難行，經中央主管機關指定公告之行業或工作者，不適用之。下列何者非屬前開條項所列舉之因素？
(A)工作特性 (B)企業規模 (C)管理制度 (D)經營型態
- (D) 18. 公司設立多久後尚未開始營業，且未辦妥延展登記，主管機關得依利害關係人之申請，命令解散之？
(A)一個月 (B)三個月 (C)四個月 (D)六個月
- (A) 19. 下列何者不屬於股份有限公司股東會之投票方式？
(A)視訊投票 (B)電子投票
(C)委託書代理投票 (D)書面投票
- (C) 20. 甲將其賓士車停到某公司設置的停車場裡，則甲與該公司成立之契約為：
(A)寄託契約 (B)倉庫契約 (C)租賃契約 (D)委任契約
- (B) 21. 依照現今刑法理論，下列何者屬於罪責（有責性）階層所要審查的要素？
(A)客觀處罰條件 (B)違法性意識（不法意識）
(C)個人之解除刑罰事由 (D)行為能力
- (A) 22. 犯罪人對於未發覺之罪自首而受裁判者，除有特別規定外，其法律效果如何？
(A)得減輕其刑 (B)應減輕其刑 (C)得免除其刑 (D)應免除其刑
- (C) 23. 甲向乙購買房屋一間，並於買賣契約中約定將該屋交付與移轉登記於丙，且丙取得直接請求乙交付與移轉登記該屋之權利。此種契約為：
(A)代物清償契約 (B)新債清償 (C)第三人利益契約 (D)第三人負擔契約
- (A) 24. 下列何種遺囑之完成，無須見證人？
(A)自書遺囑 (B)公證遺囑 (C)密封遺囑 (D)代筆遺囑
- (B) 25. 下列何者非屬兩願離婚之形式要件？
(A)書面之合意 (B)法院之公證登記
(C)二人以上證人之簽名 (D)戶政機關之離婚登記
- (D) 26. 當禁止工廠 A 開工與要求 A 裝設隔音設備皆可達到防止噪音之目的，而主管機關 B 採取禁止 A 開工之手段時，則 B 之行為所違反者，為下列那一項原則？
(A)信賴保護原則 (B)狹義比例原則 (C)適當性原則 (D)必要性原則
- (D) 27. 刑法與刑事訴訟法關係為：
(A)普通法與特別法 (B)原則法與例外法
(C)任意法與強行法 (D)實體法與程序法
- (B) 28. 金門縣之地方性公民投票相關規範，應以下列何種形式規範？
(A)自治規則 (B)自治條例 (C)行政規則 (D)法律
- (A) 29. 土地法施行法第1條規定：「本施行法依土地法第九條之規定制定之。」則土地法施行法之規範位階為：
(A)法律 (B)法規命令 (C)行政規則 (D)憲法
- (B) 30. 行政機關僅在法律有明文規定或授權時，始能有所作為，此乃指下列何種行政法原則？
(A)法律優位原則 (B)法律保留原則 (C)明確性原則 (D)裁量原則
- (D) 31. The airline's employees are planning to stage a five-day _____ for better working conditions and improved wages.
(A) ordeal (B) rehearsal (C) interview (D) strike
- (C) 32. Many children are _____ of the harm caused by fast food, and they consume too much sugar and fat.
(A) illegal (B) tolerant (C) ignorant (D) conscious
- (C) 33. When my brother is busy with his work, there is always a "Do Not _____" sign on the door of his room.
(A) Loiter (B) Resist (C) Disturb (D) Litter

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- (D) 34. If you are not satisfied with the item you purchase, you can bring the receipt and ask for a _____ within 7 days.
(A) release (B) refill (C) relay (D) refund
- (C) 35. On March 2, 1955, a fifteen-year-old black girl was arrested because she refused to _____ her seat to a white woman.
(A) remove (B) adapt (C) surrender (D) relieve
- (B) 36. It is sad for us to know that many mothers and babies die through childbirth _____ caused by the size of the head.
(A) satisfaction (B) complication
(C) qualification (D) justification
- (C) 37. It is rumored that the newspapers launched a _____ attack on the senator, forcing him to resign.
(A) suspicious (B) trivial (C) vicious (D) chilly
- (C) 38. Air pollution and tobacco smoke may _____ the airways, making them more susceptible to allergens.
(A) recycle (B) imitate (C) irritate (D) retrieve
- (C) 39. Now it's up to the elected _____ of the developed countries to take the right action to curb global warming.
(A) compliments (B) documents
(C) representatives (D) applicants
- (A) 40. When Gary gazed into her eyes, Amy couldn't help _____ and her mind went completely blank.
(A) blushing (B) waking (C) tumbling (D) reciting
- (C) 41. For a meat lover like Andy, keeping to a diet of fresh vegetables, fruits, rice, and milk is a _____.
(A) norm (B) mystery (C) torture (D) chore
- (C) 42. Success takes hard work, _____, and patience. One who gives up easily never achieves his or her goal.
(A) pessimism (B) performance (C) perseverance (D) preservation

Halloween has become a lot more than candy, costumes, and decorations. It is big 43. According to the International Retail Association, Halloween is the second most important holiday for retailers. It is second only 44 Christmas.

Supermarkets, drugstores, costume shops, and many other stores are full of candy, costumes, and other Halloween 45. Business has been excellent at many stores for several weeks. In some cases, store hours have been 46 to meet the increased demand.

The Retail Association says that candy is the best-selling Halloween product. Americans eat \$950 million in candy every Halloween. The other best-sellers for the Halloween season are costumes, masks, make-up, wigs, and home decorations. Retailers expect to sell \$2.5 billion worth of Halloween merchandise.

- (A) 43. (A) business (B) contribution (C) retail (D) sale
(C) 44. (A) by (B) in (C) to (D) with
(C) 45. (A) activities (B) customers (C) products (D) trifles
(B) 46. (A) declared (B) extended (C) decreased (D) executed

A sport utility vehicle (SUV) is a utility vehicle weighing 8,500 pounds or less. Sport utility vehicles are popular because they are loaded with a combination of qualities—many standard features of passenger cars and special features for driving on and off paved roads. SUVs offer ruggedness, engine power, roominess, and comfort. Many are equipped with 4-wheel drive to give the extra traction needed for driving in difficult conditions, such as on snow, mud, or sand.

Prospective customers need to realistically evaluate their transportation needs. While the multipurpose SUVs are not passenger cars, most owners use SUVs in much the same way—for both everyday commuting and shopping and for light recreation.

Because sport utility vehicles are more top-heavy than passenger cars, the SUVs handle and maneuver differently. They are not designed like passenger cars to round corners at high speeds. Reckless SUV drivers cause their vehicles to roll over at a much higher rate than do drivers of passenger vehicles.

Sport utility vehicles may only be a passing trend. After all, another choice—be it a luxury sports car or a sturdy station wagon—may give more value for the dollar. In the final analysis, this old adage works best: “Let the buyer beware!”

(D) 47. Which of the following is NOT mentioned as a distinctive feature of SUVs?

- (A) SUVs have four-wheel drive.
- (B) SUVs offer ample inner space.
- (C) SUVs can drive on rugged roads.
- (D) SUVs have super theft alarm systems.

(C) 48. What does the word “maneuver” in the third paragraph mean?

- (A) Drive fast
- (B) Hold tightly
- (C) Move skillfully
- (D) Trade carefully

(C) 49. What can be inferred from this article?

- (A) Most SUV owners enjoy outdoor recreation.
- (B) Most SUV drivers are careless and irresponsible.
- (C) Most owners regard their SUVs as passenger cars.
- (D) Most SUV drivers only drive their cars on rough roads.

(D) 50. What is the writer’s advice for vehicle buyers?

- (A) Consider the price first.
- (B) Choose a passenger car.
- (C) Choose a station wagon.
- (D) Consider their needs first.