

105 年公務人員特種考試法務部調查局調查人員考試試題

考試別：調查人員

等 別：四等考試

類科組：各組

科 目：綜合法政知識與英文（包括中華民國憲法、法學緒論、兩岸關係、英文）

- (D) 1. 下列何者非屬監察院職權？
- (A)對一般公務員之彈劾權 (B)糾正案提出權
(C)審計權 (D)公務員懲戒權
- (D) 2. 依憲法增修條文之規定，下列有關省政府之敘述，何者正確？
- (A)省主席由內政部部长提請行政院院長任命，再由省主席指派省政府委員
(B)省主席與省政府委員均由行政院院長任命
(C)省主席由行政院院長提請總統任命，省政府委員則由行政院院長任命
(D)省主席與省政府委員均由行政院院長提請總統任命
- (B) 3. 依司法院大法官解釋意旨，下列何者有應立法院各種委員會邀請到會說明之義務？
- (A)審計長 (B)考選部部长
(C)公平交易委員會委員 (D)直轄市市長
- (D) 4. 關於民意代表言論免責權之敘述，下列何者錯誤？
- (A)地方民意代表之言論免責權非憲法所明文保障
(B)言論免責權係為落實民主及權力分立原則，避免國家權力藉由法律責任抑制民意代表發表言論
(C)所謂免責，指民意代表不因行使職權所為之言論及表決而須負民事或刑事責任
(D)言論免責權得由民意代表自由決定是否拋棄
- (D) 5. 關於緊急命令之敘述，下列何者錯誤？
- (A)總統得經行政院會議之決議發布緊急命令，但應於十日內提交立法院追認
(B)緊急命令具有暫時替代或變更法律之效力
(C)緊急命令之內容應力求周延，以不得再授權為補充規定即可逕予執行為原則
(D)為有效達成緊急命令之目的，就相關細節性、技術性事項，得由執行機關逕行發布命令以利執行
- (B) 6. 有關訴願制度之敘述，下列何者錯誤？
- (A)訴願制度目的之一在於提供行政機關自我省察機會
(B)依據訴願法規定，地方自治團體不得提起訴願
(C)訴願管轄機關包括原處分機關之上級機關
(D)訴願制度之實施，可減輕行政法院審理之負擔
- (B) 7. 憲法保障人民受教育之權利，依司法院大法官解釋之見解，下列敘述何者正確？
- (A)受國民教育以外教育之權利，仍屬憲法第 21 條所保障之範圍
(B)憲法保障受國民教育以外教育之權利，旨在保障其不受國家恣意限制或剝奪
(C)憲法第 21 條並未賦予人民得請求國家提供教育給付之權利，國家亦無提供給付之義務
(D)人民得依憲法第 159 條「國民受教育之機會，一律平等」之規定，請求給予大專學校入學之許可
- (D) 8. 關於財產權之敘述，下列何者錯誤？
- (A)財產權之主體不限於自然人

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- (B)既成道路之所有權人因公益而特別犧牲其財產上之利益，國家應依法律辦理徵收給予補償
- (C)商標權亦屬財產權之保障範圍
- (D)土地徵收補償費之發放雖遷延過久，仍不違反憲法對人民財產權之保障
- (A) 9. 依司法院大法官解釋意旨，關於大學自治，下列敘述何者錯誤？
- (A)學生選擇科系與課程之自由非屬大學自治之項目
- (B)大學得自行設置各類教學單位及規劃相關課程
- (C)大學得訂定學則以規範學生休、退學事項
- (D)教育主管機關對於大學之運作僅能進行適法性監督
- (B) 10. 財政收支劃分法規定中央應將所得稅收入一定比例統籌分配地方，主要為實踐憲法基本國策之何種精神？
- (A)保障地方自治人事高權 (B)謀求地方經濟平衡發展
- (C)扶持地方交通水利建設 (D)提供弱勢民眾社會救助
- (C) 11. 刑法第 21 條規定：「依所屬上級公務員命令之職務上行為，不罰。但明知命令違法者，不在此限。」該後段但書規定之立法體例為何？
- (A)強行法 (B)任意法 (C)例外法 (D)程序法
- (C) 12. 甲男之父母因車禍死亡，由其祖父乙擔任監護人，則乙執行甲男之監護職務時，所應負之責任為何？
- (A)無過失 (B)重大過失 (C)抽象輕過失 (D)具體輕過失
- (C) 13. 受託行使公權力之個人或團體，於委託範圍內，視為下列何者？
- (A)內部單位 (B)行政法人 (C)行政機關 (D)營造物
- (C) 14. 下列有關法律對於人的效力之敘述，何者正確？
- (A)總統犯內亂罪或外患罪，不受任何追訴
- (B)陸海空軍刑法原則上適用現役軍人及退役人員
- (C)國會議員依法受言論免責和不受逮捕權之保障
- (D)外國使節於返回母國期間，亦受出使國法律拘束
- (D) 15. 依司法院釋字第 391 號解釋，有關立法院預算審議權之敘述，下列何者錯誤？
- (A)預算案經立法院審議通過後，性質上屬於措施性法律
- (B)立法院對於行政院所提預算案，不得為增加支出之提議
- (C)立法院不得在預算案之外，以委員提案方式為增加支出之提議
- (D)立法院得比照審議法律案之方式，逐條逐句增刪修改預算案
- (B) 16. 依司法院大法官解釋，有關人民基本權利之保障，下列敘述何者錯誤？
- (A)依釋字第 555 號解釋，戒嚴時期人民受損權利回復條例第 3 條規定適用範圍，不包含武職人員，與平等原則無違
- (B)依釋字第 436 號解釋，憲法第 9 條規定，軍事審判機關對於軍人之犯罪有專屬之審判權
- (C)依釋字第 430 號解釋，現役軍官聲請續服現役未受允准，並核定其退伍，如對之有所爭執，得提起行政爭訟
- (D)依釋字第 455 號解釋，限制義務役軍人僅得任公務員後服役者，始得併計公務員退休年資之函釋，違反平等原則
- (B) 17. 關於刑法第 130 條公務員廢弛職務罪之敘述，下列何者錯誤？
- (A)本罪在主觀要件上，行為人須具有廢弛職務之故意
- (B)即便僅造成少數人遭受損害，仍得成立本罪

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- (C)本罪所謂廢弛職務，係指未盡職務上應盡之責
(D)本罪之成立須檢驗因果關係
- (D) 18. 關於徒刑與拘役之概念比較，下列何者錯誤？
(A)均為自由刑 (B)拘役之執行不生累犯的問題
(C)拘役之執行不生假釋的問題 (D)徒刑之執行得易以訓誡
- (B) 19. 有關著作財產權之敘述，下列何者錯誤？
(A)一般著作財產權之存續期間，為著作人之生存期間及其死亡後五十年
(B)著作財產權不得因讓與而與著作人格權分屬不同人
(C)著作財產權因合理使用而受限制
(D)著作財產權得專屬或非專屬授權他人利用
- (B) 20. 甲為乙書店的員工，搭捷運上班途中被乘客丙性騷擾，甲在第一時間內可以怎麼辦？
(A)要求乙書店依性別工作平等法第 13 條處理
(B)要求捷運公司依性騷擾防治法第 7 條處理
(C)要求丙之雇主依性別工作平等法第 13 條處理
(D)要求乙書店及丙之雇主依性別工作平等法第 13 條處理
- (B) 21. 2011 年開始，政府開放國內大專院校招收陸生，但有所謂的「三限六不」原則，其中的三限，下列何者不包括在內？
(A)限制採認高等學校學歷 (B)限制來臺陸生年齡
(C)限制來臺陸生總量 (D)限制學歷採認領域
- (C) 22. 蔡英文總統在 520 就職演說中，提及兩岸互動的既有政治基礎，下列何者不包括在內？
(A)中華民國現行憲政體制 (B)兩岸過去協商和交流互動的結果
(C)九二共識 (D)臺灣民主原則及普遍民意
- (B) 23. 為推動開放陸生來臺就學及大陸學歷採認政策，立法院於民國 99 年通過「陸生三法」。請問「陸生三法」包括那三部法律？
(A)臺灣地區與大陸地區人民關係條例、大學法、國籍法
(B)臺灣地區與大陸地區人民關係條例、大學法、專科學校法
(C)大學法、專科學校法、國籍法
(D)臺灣地區與大陸地區人民關係條例、國籍法、專科學校法
- (A) 24. 習近平於 2013 年上台之後，喊出「一帶一路」的經濟合作戰略，「一帶一路」的正式名稱為何？
(A)絲綢之路經濟帶與 21 世紀海上絲綢之路
(B)海上絲綢之路經濟帶與 21 世紀絲綢之路
(C)21 世紀絲綢之路經濟帶與海上絲綢之路
(D)絲綢之路與 21 世紀海上絲綢之路經濟帶
- (C) 25. 中國大陸這幾年深化對臺工作，提出「三中一青」政策。主要指的是下列那四者？
(A)中小企業、親中人士、中產階層、臺灣青年
(B)親中人士、中產階層、中南部民眾、臺灣青年
(C)中小企業、中低階層、中南部民眾、臺灣青年
(D)中小企業、中低階層、親中人士、臺灣青年
- (D) 26. 在眾多中國大陸對臺政策中，首度提出「和平統一」方針的文件為下列何者？
(A)江八點 (B)胡四點 (C)胡六點 (D)告臺灣同胞書
- (B) 27. 下列何者為「澳門模式」協商機制的成果？

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- (A)兩岸公證書使用查證協議 (B)春節包機
(C)兩岸掛號函件查詢、補償事宜協議 (D)兩岸遣返偷渡客協議
- (B) 28. 中國大陸長期以來阻撓我國的國際空間，現任總統蔡英文推動何種新外交思維因應之？
(A)務實外交 (B)踏實外交 (C)活路外交 (D)彈性外交
- (B) 29. 下列何者是 2015 年「馬習會」的成果？
(A)開放陸生來臺就學 (B)建置並開通兩岸事務首長熱線
(C)兩岸兩會互設辦事處 (D)與中國大陸簽署海峽兩岸經濟合作架構協議
- (D) 30. 中共領導人習近平在 2014 年底的 APEC 北京會議中，正式宣布啟動那一個區域經濟整合機制的進程？
(A) TPP (B) RCEP (C) AFTA (D) FTAAP
- (C) 31. My illness had left me _____ in one ear; that excluded me from entering any of the professions for which good hearing is required.
(A) blind (B) scared (C) deaf (D) tired
- (A) 32. Like most foreigners, I ask a lot of questions, some of which are insultingly silly. But everyone I _____ has answered those questions with patience and honesty.
(A) come across (B) come by (C) come over (D) come into
- (C) 33. Barking is a normal behavior for dogs; however, when they bark _____, they become a nuisance to their owners and the neighborhood.
(A) earnestly (B) explicitly (C) excessively (D) expressively
- (A) 34. After he retired from office, Rogers _____ painting for a while, but soon lost interest.
(A) took up (B) saved up (C) kept up (D) drew up
- (C) 35. Despite the economic downturn, the famous hot pot restaurant chain still _____ huge profits last year.
(A) caused (B) extended (C) yielded (D) invented
- (C) 36. After college, Robert decided to go to Paris and _____ on the journey of becoming pastry chef.
(A) endure (B) inform (C) embark (D) involve

請依下文回答第 37 題至第 40 題

The word most often used to describe the region of Cappadocia is “otherworldly”. 37 in central Anatolia about 290 kilometers southeast of the Turkish capital of Ankara, Cappadocia attracts tourists by offering an interesting side trip from the usual tour of the Mediterranean coast.

In Cappadocia, you can find a rich diversity of sites from various periods, from the time of the Hittites (enemies to the ancient Egyptians) to 38 of the early Christians and to the 13th century Great Silk Road era. But most of what is unique here stems from 39 geological history.

Volcanic 40 over the last 10 million years covered the area in ashes, which became compacted to form a soft, porous rock called tuff.

- (B) 37. (A) Placed (B) Located (C) Inhabited (D) Resided
(B) 38. (A) which (B) that (C) what (D) where
(B) 39. (A) her (B) its (C) their (D) his
(D) 40. (A) breakdowns (B) outcomes (C) explorations (D) eruptions

請依下文回答第 41 題至第 45 題

In early 2011, former police officer Lin Jsung-yi began thinking about how he would spend his free time after he retired in March that year. As he was pondering, he 41 to hear about a citizen farmers

program launched by the city government that allowed local residents to grow produce on plots of land rent-free for six months. He quickly 42 for the program and by July 2011 began his life as an urban farmer.

“I thought I would just 43.” Lin recalls. “But after I started, my interest in gardening grew. Seeing the plants get taller and larger each day gave me a great sense of achievement.”

After Lin’s rent-free farming ended in December 2011, he decided to rent a new 44 directly from the landowner and continue what had become his favorite activity. Now he spends one to two hours every morning and at least half a day every weekend working on his farm, doing whatever is necessary: plowing, planting, watering, 45, weeding, etc. For him, urban farming has not only filled his free time after retirement, but given him the spiritual rewards that he has never experienced before.

- (C) 41. (A) preferred (B) occurred (C) happened (D) tended
(D) 42. (A) gave in (B) worked out (C) put down (D) signed up
(A) 43. (A) give it a try (B) get it over with (C) let it go (D) put it away
(C) 44. (A) asset (B) cube (C) plot (D) block
(B) 45. (A) approaching (B) fertilizing (C) colliding (D) mourning

請依下文回答第 46 題至第 50 題

Mickey Mouse, the official mascot of The Walt Disney Company, is one of the most recognizable cartoon characters in the world. Yet, few people know that it was created as a replacement for Oswald the Lucky Rabbit, an earlier cartoon character created by the Disney studio for Charles Mintz of Universal Studios. In the spring of 1928, with **the series** going strong, Disney asked Mintz for an increase in the budget. But Mintz instead demanded that Walt take a 20 percent budget cut, and as leverage, he reminded Disney that Universal owned the character, and revealed that he had already signed most of Disney’s current employees to his new contract. Mintz owned Oswald and thought **he had Disney over a barrel**. Angrily, Disney refused the deal and returned to produce the final Oswald cartoons he contractually owed Mintz. Disney was dismayed at the betrayal by his staff, but determined to restart from scratch.

The new Disney Studio soon started. In the spring of 1928, Disney asked Ub Iwerks to start drawing up new character ideas. Iwerks tried sketches of various animals, such as dogs and cats, but none of these appealed to Disney. A female cow and male horse were also rejected. Then, Walt Disney thought of an old pet mouse he used to have on his farm. He asked Iwerks to draw a new mouse character for Disney. “Mortimer Mouse” had been Disney’s original name for the character before his wife, Lillian, convinced him to change it, and ultimately Mickey Mouse came to be. Actor Mickey Rooney has claimed that, during his Mickey McGuire days, he met cartoonist Walt Disney at the Warner Brothers studio, and that Disney was inspired to name Mickey Mouse after him.

- (B) 46. What does “**the series**” in the first paragraph refer to?
(A) The Mickey Mouse series. (B) The Oswald series.
(C) The Iwerks series. (D) The Mintz series.
- (D) 47. Why did Walt Disney create the cartoon character Mickey Mouse?
(A) He wanted to create an official mascot for the Walt Disney Company.
(B) Charles Mintz asked him to create a character in a new cartoon series.
(C) Universal Studios needed a new character to replace Oswald the Lucky Rabbit.
(D) He lost his right to an old popular cartoon character and had to create a new one.
- (A) 48. What does “**he had Disney over a barrel**” mean in the first paragraph?

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- (A) He had Disney under his control. (B) He made Disney feel relieved.
(C) He had inspired Disney. (D) He had irritated Disney.
- (C) 49. From whom did the mouse character get the name “Mickey Mouse”?
(A) Walt Disney (B) Ub Iwerks (C) Lillian Disney (D) Warner Brothers
- (B) 50. Which of the following is true about the creation of Mickey Mouse as a cartoon character?
(A) Disney’s wife convinced him to replace other animals with a mouse character.
(B) The idea of a mouse character came from Disney’s old pet mouse on his farm.
(C) Iwerks had drawn many other animals before a mouse character occurred to him.
(D) Disney was inspired by actor Mickey Rooney, who he met at the Warner Brothers Studio.

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