

九十五年公務人員高普考試試題及解答

高考三級

法學知識與英文

功名文教機構

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- (B)01. 憲法規定中央立法並執行之，或交由省縣執行之事項，下列何者已遭凍結？
(A)土地徵收條例 (B)省縣自治通則 (C)戶籍法 (D)警察法
- (D)02. 在民主國家中，下列何種文獻首先將基本國策入憲？
(A)英國大憲章 (B)法國人權宣言 (C)美國憲法 (D)德國威瑪憲法
- (D)03. 下列何者較不可能享有我國憲法上所保障的自由權？
(A)本國國民 (B)外籍勞工 (C)外籍配偶 (D)本國某市政府
- (B)04. 依司法院大法官解釋，下列何者不屬於得依訴訟權之保障而提出司法救濟的事項？
(A)役男體位之判定 (B)大學學生遭學校記一大過處分
(C)大學教師未通過升等 (D)公務員遭免職處分
- (C)05. 下列有關請願之敘述，何者錯誤？
(A)請願是一種古老的救濟方式
(B)請願可依請願法之規定進行
(C)依據我國請願法之規定，請願主要可向行政機關以及各級法院進行
(D)因行政程序法現設有陳情的專章以及其他參與行政過程的規定，人民因而可以捨請願而利用陳情等規定
- (C)06. 下列有關隱私權保障之敘述，何者錯誤？
(A)隱私權為不可或缺之基本權利
(B)隱私權受憲法第22條所保障
(C)憲法對隱私權之保障應採絕對保障，國家不得作任何之限制
(D)隱私權係保障個人生活私密領域免於他人侵擾及個人資料之自主控制
- (A)07. 國家賠償責任屬於基本權利的：
(A)事後保障 (B)事中保障 (C)事前保障 (D)組織保障
- (B)08. 中央選舉委員會在行政組織上隸屬於何機關？
(A)總統府 (B)行政院 (C)內政部 (D)選舉事務委員會
- (C)09. 依據公職人員選舉罷免法第42條之規定，選舉區之劃分由：
(A)行政院統一為之 (B)法律或各地方自治團體之自治條例為之
(C)中央、省及縣選舉委員會為之 (D)行政院、省政府及各地方自治團體政府為之
- (C)10. 下列有關我國憲法上對總統職權之敘述，何者錯誤？
(A)總統為國家元首 (B)總統統率全國陸海空軍
(C)總統依法發布命令，皆須經行政院院長之副署 (D)總統依法任免文武官員

- (B)11.下列敘述何者正確？
- (A)立法院應經常開會才能有效制衡行政院，故憲法並無會期之規定
 - (B)立法院開會時，司法院院長得拒絕到會備詢
 - (C)立法委員得兼任官吏
 - (D)立法院對預算案得為增加支出之提議
- (C)12.立法院對行政院院長提出不信任案後，應如何表決？
- (A)不信任案提出後，四十八小時內以無記名投票表決之
 - (B)不信任案提出後，七十二小時內以記名投票表決之
 - (C)不信任案提出七十二小時後，於四十八小時內以記名投票表決之
 - (D)不信任案提出四十八小時後，於七十二小時內以無記名投票表決之
- (C)13.根據司法院大法官釋字第585號解釋之見解，下列關於立法院調查權之陳述，何者錯誤？
- (A)立法院調查權得出立法院固有之憲法職能導出
 - (B)具有輔助性權力之特性
 - (C)以文件調閱權為限
 - (D)調查權之行使不得侵害其他憲法機關之權力核心範圍
- (C)14.下列何者屬於重大之政治問題，依據司法院大法官解釋之見解，不應由其解釋？
- (A)副總統得否兼任行政院院長
 - (B)立法委員任期之延長
 - (C)國土範圍之界定
 - (D)監察委員得否兼任人民團體負責人
- (B)15.監察院對於司法院人員之彈劾案，應如何提出？
- (A)須經監察委員三人以上之提議，九人以上之審查及決定，始得提出
 - (B)須經監察委員二人以上之提議，九人以上之審查及決定，始得提出
 - (C)須經立法委員二人以上之提議，監察委員九人以上之審查及決定，始得提出
 - (D)須經立法委員三人以上之提議，監察委員九人以上之審查及決定，始得提出
- (A)16.公司法之中央主管機關為何？
- (A)經濟部
 - (B)金管會
 - (C)行政院
 - (D)縣市政府建設局
- (C)17.受僱人於職務上完成之著作，若未以契約約定著作權之歸屬，依著作權法之規定，著作財產權應歸屬於下列何者？
- (A)由法官決定
 - (B)受僱人
 - (C)僱用人
 - (D)僱用人與受僱人共有
- (A)18.甲帶著八歲的兒子逛百貨公司，要兒子趁著店員不注意，將一隻泰迪熊玩具藏在衣服裡面。甲的行為屬於下列何者？
- (A)竊盜罪的間接正犯
 - (B)詐欺罪的間接正犯
 - (C)侵占罪的間接正犯
 - (D)不成立犯罪
- (C)19.父子二人同時遇難，如無法證明二者死亡的先後時，二者死亡的時間點應如何推定？
- (A)父先死
 - (B)子先死
 - (C)父子同時死亡
 - (D)患病者先死
- (D)20.法律體系內，何者位階最高？
- (A)刑法
 - (B)民法
 - (C)行政法
 - (D)憲法
- (C)21.何種法學提出法位階理論？
- (A)社會法學
 - (B)分析法學
 - (C)純粹法學
 - (D)歷史法學
- (B)22.關於法律與藝術的關係，下列敘述何者為正確？
- (A)流行歌曲的創作不受憲法保障
 - (B)著作權法亦保護藝術創作
 - (C)流行音樂不受著作權法的保障
 - (D)我國憲法不保障藝術自由

- (D)23.解決國際爭端的最嚴厲手段為：
(A)斷交 (B)經濟斷絕 (C)貿易報復 (D)戰爭
- (C)24.下列何種權利屬於公民權？
(A)名譽權 (B)財產權 (C)參政權 (D)姓名權
- (B)25.少年事件處理法第2條：「本法稱少年者，謂十二歲以上十八歲未滿之人。」此係何種解釋？
(A)行政解釋 (B)立法解釋 (C)司法解釋 (D)學說解釋
- (B)26.藉由立法或修法的資料、立法理由等，以了解法律用詞或法律條文的意義，稱之為何種解釋？
(A)文義解釋 (B)歷史解釋 (C)體系解釋 (D)目的論解釋
- (A)27.下列關於法律廢止之敘述，何者為正確？
(A)應經立法院通過，總統公布
(B)總統公布日，即為失效日期
(C)由目的事業主管行政機關公布即可
(D)法規明定有施行期限者，期滿當然廢止，且不需主管機關公告
- (C)28.「法律不溯及既往原則」是屬於法律的何種效力？
(A)人之效力 (B)地之效力 (C)時之效力 (D)物之效力
- (B)29.我國法之體系有公法與私法之區分，下列何者非屬於私法？
(A)民法 (B)刑法 (C)公司法 (D)票據法
- (B)30.依照當事人一方之意思表示，使某種權利產生、得、喪、變更的效果者，稱為：
(A)抗辯權 (B)形成權 (C)絕對權 (D)請求權
- (C)31. It seems that more women nowadays are seeking out _____ relationships with males.
(A) convulsive (B) dominical (C) egalitarian (D) retrospective
- (C)32. No further research is needed to _____ one fact about Pablo Picasso : He was a man of great talent.
(A) contrast (B) decompose (C) establish (D) fold
- (C)33. When _____ to pathogens, healthy animals will normally mount an immune response to fight off the infection.
(A) composed (B) disposed (C) exposed (D) supposed
- (C)34. The treaty our government signed _____ that any party which violated the regulations was liable to retaliation.
(A) penalized (B) reprieved (C) stipulated (D) thwarted
- (C)35. When I asked the taxi driver to drive faster, he said _____.
(A) he will drive faster if I pay him more (B) I will drive faster if you pay me more
(C) he would drive faster if I paid him more (D) I would drive faster if you paid me more
- (B)36. Not only _____ to report the accident, but he also denied that he had been driving the car.
(A) he failed (B) did he fail (C) was he failed (D) has he failed
- (C)37. Every parent is aware of their infant's tendencies to rapidly go _____ between sleep and wakefulness.
(A) in and out (B) up and down (C) back and forth (D) inside and outside
- (A)38. The name of the author is put on the poster, _____ the name of his country.
(A) so is (B) also is (C) is too (D) but is
- (A)39. Don't bargain with me any more ! This is _____ I can afford.
(A) the lowest possible price (B) the possible most price

- (C) the possible lowest price (D) the price most possible

請回答第40題至第43題

Punctuation, one is taught, has a point : to 40 law and order. Punctuation marks are the road signs 41 along the highway of our communication—to control speeds, provide directions and prevent 42 collisions. A period has the unblinking finality of a red light ; the comma is a flashing yellow light that asks us only to slow down ; and the semicolon is a stop sign that tells us to ease gradually to a halt, 43 gradually starting up again.

- (C)40. (A) keep away (B) keep on (C) keep up (D) keep up with
- (A)41. (A) placed (B) placing (C) be placed (D) be placing
- (C)42. (A) head (B) on-head (C) head-on (D) heading-on
- (A)43. (A) before (B) after (C) earlier (D) later
- (D)44. A small boy's pockets are likely to contain a miscellaneous collection of objects.
- (A) A small boy tends to be like many objects he collects in his pockets.
- (B) A small boy likes to collect a variety of pockets and put them in containers.
- (C) It is misunderstood that a small boy likes to put lots of things in his pockets.
- (D) It is possible that there are different things in a small boy's pockets.
- (C)45. Wine tasters are schooled in the art of distinguishing fine wine from bad wine.
- (A) go to special school for learning wine tasting
- (B) learn to be wine-brewing artists
- (C) are especially trained to taste wine
- (D) are skilled in drawing the wine labels
- (A)46. The extraordinary success some Asian Americans are enjoying in a few areas has created the misconception of an exemplary minority and has detracted from a need to accurately assess the costs and sacrifices involved for those who manage to reach such a high level of achievements.
- (A) The success of Asian Americans in some areas can mislead people from finding out what are really behind it.
- (B) The Asian Americans are proud of the achievements they have made in a few local areas.
- (C) Some Asian Americans detracted themselves from the need to accurately appraise the costs to reach high achievements.
- (D) People are led to believe that Asian's minority status is created without sacrifices.

請回答第47題至第50題

Of all Modernism's tenets, few have been more "revered" than the assembly line. Its crisp efficiency was a template for everything. The new BMW plant in Leipzig serves as an antidote to just that sort of uniformity. A boomerang-shaped industrial shed with rows of cars streaming on curving tracks, it is less a model of efficiency than a machine for voyeuristic pleasure. Moreover, the plant is an attempt at social engineering. Its architect subverts the sequential order of manufacturing by having each car loop back through the central building, where workers can survey their work. Engineers and workers are in constant contact, too, mingling in the corridors and the cafeteria, which breaks down the hierarchy. Because each car is routed on its way from the body shop to the paint shop or final assembly plant, you witness them in all their various stages. At certain points, the cars stop and revolve on enormous turntables before heading off in a new direction. The movements suggest mechanical ballet. Leipzig plant is thus the flagship of BMW that provides customized services. Very subtly, the free flow of information replaces the monotony of the assembly line ; individual needs rule over bland repetition ; and machines are at the service of man.

- (B)47. What is the major setback of modernist architecture ?

- (A) Its voyeuristic function (B) Its uniformity
(C) Lack of communication (D) The social hierarchy

(C)48. How is the new Leipzig assembly plant also an attempt at social engineering ?

- (A) By introducing art into manufacture
(B) By constantly focusing on the machines
(C) By bringing down the barrier between workers and engineers
(D) By breaking up the monotonous shape of factory buildings

(D)49. Why is the factory shaped like a boomerang ?

- (A) To imbue the factory with beauty
(B) To absorb energy from Australian aborigines
(C) To provide a solution to modernists' dead end
(D) To allow cars to come back to the main building

(C)50. What is the main social significance of the Leipzig plant ?

- (A) Utopian buildings can be sexually appealing.
(B) Customized service is the latest trend of manufacturing.
(C) Humanity, rather than machines, takes the central stage.
(D) Engineers should oversee their products as often as possible.