

115 年公務人員特種考試司法人員、法務部
調查局調查人員及海岸巡防人員考試試題

考試別：司法人員、海岸巡防人員

等 別：三等考試

類 科 組：各類科組

科 目：法學知識與英文（包括中華民國憲法、法學緒論、英文）

考試時間：1 小時

座號：_____

※注意：(一)本試題為單一選擇題，請選出一個正確或最適當答案。

(二)本科目共50題，每題2分，須用2B鉛筆在試卡上依題號清楚劃記，於本試題上作答者，不予計分。

(三)禁止使用電子計算器。

- 1 下列何者不是司法院憲法解釋宣示的修憲界限？
(A)民主共和國原則
(B)人民基本權之核心內涵
(C)基本國策中關於教育科學文化預算比例下限之規定
(D)權力分立與制衡原則
- 2 下列何規定不涉及人身自由的限制？
(A)販賣第一級毒品者，處死刑或無期徒刑
(B)受徒刑之執行完畢，5 年以內故意再犯有期徒刑以上之罪者，為累犯，加重本刑至二分之一
(C)有犯罪之習慣或因遊蕩或懶惰成習而犯罪者，於刑之執行前，令人勞動場所，強制工作
(D)臺灣地區無戶籍人民申請在臺灣地區長期居留得不予許可、撤銷其許可、撤銷或註銷其戶籍，並限期離境
- 3 下列那一項基本權利，受憲法絕對保障？
(A)生存權 (B)人身自由 (C)人格權 (D)內在信仰自由
- 4 依司法院憲法解釋，下列團體之設立，何者不受結社自由保障？
(A)工會 (B)政黨 (C)行政法人 (D)學術性社團
- 5 依司法院憲法解釋，集會遊行法第 6 條禁止在國際機場港口舉行集會、遊行，此一規定是否合憲？
(A)此一禁止規定乃為維護社會秩序或增進公共利益所必要，故屬合憲
(B)集會自由受憲法絕對保障，故集會遊行法此一禁止規定，已被宣告違憲立即失效
(C)集會自由之限制乃是憲法保留事項，故集會遊行法此一禁止規定，已被宣告違憲立即失效
(D)集會遊行法此一禁止規定，違反比例原則，應屬違憲，立法機關應儘速完成修正
- 6 依據司法實務見解，關於訴訟權，下列敘述何者錯誤？
(A)刑事訴訟法第 17 條第 8 款規定所稱法官「曾參與前審之裁判者」，係指法官就同一案件之審級救濟程序，「曾參與下級審之裁判」，不包括「曾參與發回更審前同審級法院之裁判」
(B)刑事訴訟法相關規定，未將律師或辯護人與被告間基於憲法保障秘密自由溝通權之行使而生之文件資料，排除於得搜索、扣押之外，合憲
(C)最高行政法院 103 年 8 月份第 1 次庭長法官聯席會議決議：「外籍配偶申請居留簽證經主管機關駁回，本國配偶……提起課予義務訴訟，行政法院應駁回其訴」，並未排除本國（籍）配偶以其與外籍配偶共同經營婚姻生活之婚姻自由受限制為由，例外依行政訴訟法第 4 條規定提起撤銷訴訟之可能
(D)法院裁定被告延長羈押，其辯護人得為被告獨立提起抗告
- 7 依司法院憲法解釋，關於我國司法體制以及行政救濟制度，下列敘述何者正確？
(A)公務員對於管理措施或有關工作條件之處置，經依公務人員保障法提起申訴再申訴未獲救濟後，若認其權利受違法侵害，仍得續行向行政法院提起救濟
(B)由公務員懲戒委員會改制成為懲戒法院可知，以往公務員懲戒委員會委員，並非憲法上法官
(C)保全制度屬於司法權的核心權能，其制度內涵得由司法自主形成，不屬於法律保留的範圍
(D)基於有侵害即有救濟的法理，公權力對人民的干預縱使顯屬輕微，只要人民感到不服，仍應許其提起行政救濟
- 8 依司法院憲法解釋，關於人民應考試服公職權，下列敘述何者錯誤？
(A)各級民意代表屬於憲法第 18 條所稱之公職 (B)我國現行公務人員考試制度採「考用合一」政策
(C)兼具外國國籍者，仍得擔任公立醫院院長 (D)應考試服公職之權，其實質內涵為平等權與工作權
- 9 人民受下列何種教育，不屬於憲法第 21 條及第 160 條之保障範圍？
(A)國民補習教育 (B)國民中學教育 (C)國家高等教育 (D)國民小學教育
- 10 關於法律明確性，下列敘述何者錯誤？
(A)一般人民日常生活與經驗語言與法律的語言有別，不得作為明確性的判斷依據
(B)一般受規範者縱無法完全確知，若可合理期待透過專業人士的告知義務而有合理程度的預見，仍符合明確性
(C)若實際上已經累積諸多案例可供參考，仍符合明確性
(D)法律文義於個案中最終可由司法審查予以確認

- 11 若立法院修改稅捐稽徵法，欠稅者限制出境將適用法官保留原則，依司法院憲法解釋，下列敘述何者正確？
(A)限制出境適用法官保留原則，係為了落實憲法第 8 條之要求
(B)限制出境若適用法官保留原則，則人民不服限制出境之處分，自應有提審法之適用
(C)限制出境為遷徙自由之限制，應有法官保留原則之適用
(D)限制出境適用法官保留原則，係立法政策之決定，非憲法要求
- 12 依憲法及增修條文規定，有關中央政府預算案，下列敘述何者錯誤？
(A)行政院應於會計年度開始 3 個月前，將下年度預算案提出於立法院
(B)預算案是以具體數字記載政府機關維持正常運作及執行各項施政計畫所需經費
(C)預算案每一年度實施一次後即失效力
(D)預算案可由行政院或立法院提出
- 13 依憲法規定，下列何者為立法院之職權？
(A)對行政院院長之人事同意權
(B)對公民連署提出之總統罷免案之議決權
(C)對憲法法庭提議之總統彈劾案之議決權
(D)對行政院院長不信任案之表決權
- 14 依憲法有關中央與地方權限之規定，下列直轄市地方自治條例規定之內容，何者合憲？
(A)本市市民滿 17 歲者得結婚
(B)於本市公然侮辱罪者，不罰
(C)於本市公園未經許可餵養流浪動物者，處新臺幣 1,000 元以下罰鍰
(D)本市市民財產上爭訟，標的在新臺幣 10,000 元以下者，由本市所設之市民法院為第一審管轄法院
- 15 下列何者不屬於憲法及憲法增修條文所揭示社會國原則之內涵？
(A)扶植自耕農
(B)實施平均地權
(C)促成農業之工業化
(D)推行衛生保健事業及公醫制度
- 16 關於法規的訂定，下列敘述何者錯誤？
(A)各機關依法律授權訂定的命令，於發布後應即送立法院
(B)主管機關廢止其主管業務之命令，應送立法院備查
(C)法規命令之訂定，得由人民提議為之
(D)行政機關訂定法規命令，得依職權舉行聽證
- 17 針對行政法規之廢止或變更，下列何者不屬於信賴不值得保護之事由？
(A)經廢止或變更之法規有重大明顯違反上位規範情形
(B)法規係因主張權益受害者以不正當方法而發布
(C)法規係因主張權益受害者提供不正確資料而發布
(D)舊法規定有實施期間而期間屆滿後發布新規定
- 18 下列何者屬於刑法上的公務員？
(A)台灣中油公司的職員
(B)台灣電力公司的職員
(C)台灣自來水公司的職員
(D)區公所的里幹事
- 19 丙在樹林裡看見前方灌木叢有動靜，以為是野豬，故以獵槍射殺之，結果誤殺同來打獵的丁。就丁之死亡結果，丙之行為應如何論罪？
(A)等價打擊錯誤，構成殺人未遂罪
(B)不等價打擊錯誤，構成過失致死罪
(C)等價客體錯誤，構成殺人既遂罪
(D)不等價客體錯誤，構成過失致死罪
- 20 因天災、事變或突發事件，雇主認有繼續工作之必要而停止勞動基準法第 36 條至第 38 條所定勞工之假期，停止假期之工資應如何處理？
(A)應加發半數工資
(B)應加給 3 分之 2 以上工資
(C)應加倍發給工資
(D)應由雇主指定補休代替加發工資
- 21 下列何者屬性別平等工作法所規範之工作場所性騷擾？
(A)受僱者 A 參加公司尾牙，在尾牙聚餐中，同事 B 喝醉強吻 A
(B)受僱者 C 在上班時，突然收到陌生人 D 傳來的 LINE 訊息，裡面都是不雅圖片，C 感到非常不舒服、被冒犯
(C)受僱者 E 在上班時，用公司的電腦播放 A 片，並邀請同事 F 一同觀看，F 接受 E 的邀約，兩人一同在公司觀看 A 片
(D)受僱者 G 對同事 H 頗有好感，希望能發展辦公室戀情，邀約 H 吃飯看電影，遭到 H 拒絕
- 22 關於人民得聲請憲法法庭裁判之案件類型，下列敘述何者錯誤？
(A)裁判憲法審查
(B)統一解釋法律及命令
(C)法規範憲法審查
(D)政黨違憲解散
- 23 依公職人員選舉罷免法規定，下列敘述何者錯誤？
(A)公職人員之罷免案得由原選舉區選舉人，向選舉委員會提出
(B)就職未滿一年之公職人員不得罷免
(C)當選全國不分區之立法委員，不得罷免
(D)公務員得為罷免案之提議人
- 24 下列何種並非民法所規定之遺囑方式？
(A)代筆遺囑
(B)口授遺囑
(C)自書遺囑
(D)見證遺囑

- 25 最高法院某一法庭在審理民事案件過程中，發現其將採取的法律意見與過去其他法庭已經公布判決之法律意見不同。此時該法庭應該如何處理此一問題？
(A)如果過去其他法庭的法律意見已被採納為判例要旨，須遵守
(B)請最高法院院長召開民事庭長會議，由民事庭長共同開會決定該爭議如何處理
(C)聲請憲法法庭進行裁判，由大法官針對不同法庭之間意見爭論，進行統一解釋
(D)應以裁定敘明理由，提案予民事大法庭裁判
- 26 目的解釋，係指以法律規範目的，闡釋法律疑義之方法。任何法律均有其意欲實現之目的，解釋法律應以貫徹目的為主要任務。下列何者，非屬確認法律目的之手段？
(A)自法律所設名稱中確認
(B)自法律所明定之立法目的確認
(C)從立法院多數黨的黨綱內容確認
(D)自立法相關資料中確認
- 27 依憲法訴訟法規定，關於暫時處分之敘述，下列何者正確？
(A)暫時處分之裁定，應經大法官現有總額二分之一以上參與評議，過半數同意，即可為之
(B)暫時處分之裁定，最長不得逾一年
(C)憲法法庭為暫時處分之裁定前，不得命當事人陳述意見，以避免程序拖延，造成重大損害
(D)憲法法庭於聲請案件繫屬中，得依聲請或依職權，為暫時處分之裁定
- 28 A 社團法人董事卸任，社員總會進行董事改選，原任董事甲敗選，乙獲改選為新任董事。在乙辦理董事變更登記前，甲代表 A 法人與屋主丙簽訂 L 辦公室的租賃契約，同時乙亦代表 A 法人與屋主丁簽訂 M 辦公室的租賃契約。下列敘述，何者與民法規定不符？
(A)丙得要求 A 法人履行 L 租賃契約
(B) M 租賃契約對 A 法人生效
(C)甲無 A 法人的代表權
(D)乙無 A 法人的代表權
- 29 甲與乙為夫妻，甲對乙有新臺幣（以下同）500 萬元之借款債權，對乙之兄丙亦有 200 萬元之借款債權。依民法有關時效之規定，下列敘述何者錯誤？
(A)甲對乙及丙各有 15 年之債權請求權時效
(B)甲對丙之債權，於時效開始起算 5 年後，因丙對甲之請求清償，承認於 2 年後償還者，時效中斷
(C)甲向丙請求清償債權，甲於請求後 6 個月內不起訴，時效亦為中斷
(D)甲對乙之債權請求權，已滿 15 年之時效而未為行使時，因甲乙仍為夫妻，故時效仍未完成
- 30 股東會之召集程序或其決議方法，違反法令或章程時，其法律效果如何？
(A)決議無效
(B)股東得自決議之日起 30 日內，訴請法院確認其決議無效
(C)股東得自決議之日起 30 日內，向主管機關申請撤銷其決議
(D)股東得自決議之日起 30 日內，訴請法院撤銷其決議
- 31 The notorious candidate's speech was full of vague generalizations, offering no _____ solutions to the problem.
(A) obscure (B) concrete (C) doubtful (D) indistinct
- 32 The government's new well-acclaimed policy seeks to improve people's lives by _____ the gap between the rich and the poor.
(A) widening (B) bridging (C) advancing (D) maintaining
- 33 Spreading false information on social media can seriously _____ public trust in official institutions, making it harder for people to distinguish facts from misinformation.
(A) enhance (B) restore (C) strengthen (D) undermine
- 34 His _____ about different cultures inspired him to travel to many countries and learn new languages.
(A) cruelty (B) curiosity (C) hostility (D) casualty
- 35 Young children have a limited concentration _____ and can't focus on one activity for a long time.
(A) scale (B) spot (C) slot (D) span
- 36 Analysts estimate sales could reach \$300 million a year once regulatory _____ are cleared and full marketing gets under way.
(A) hurdles (B) pillars (C) rebates (D) esteems
- 37 Aware of the potential consequences, he found it impossible to resist the overwhelming _____ to check his phone during the important meeting.
(A) compensation (B) determination (C) frustration (D) temptation
- 38 Research has frequently discussed the potential _____ consequences of lack of exercise, stressing its threat on our health.
(A) evolutionary (B) deferential (C) detrimental (D) revolutionary
- 39 The flight made an emergency landing after experiencing severe _____ that injured dozens of passengers.
(A) hydration (B) turbulence (C) magnitude (D) depreciation
- 40 Teachers may encourage their students to _____ more persuasive language into their writing so as to convince the audience of their viewpoints effectively.
(A) inhale (B) collaborate (C) incorporate (D) subordinate

請依下文回答第 41 題至第 45 題：

In the modern era, traveling has become significantly more accessible, primarily due to technological advancements and expansive transport networks. Nowadays, travelers can arrange accommodations, reserve flights, and navigate foreign cities via digital platforms 41. No longer are they required to 42 to a more conventional means of seeking help from local travel agencies and tour operators, which is more time consuming and costly. Nonetheless, the proliferation of budget airlines and mass tourism brought about by modern tourism has engendered surprising 43, notably environmental degradation and cultural assimilation. 44, it is obligatory for travelers to adopt responsible practices, such as minimizing waste and respecting local customs. 45 conscious efforts, tourists can uphold sustainable tourism and preserve the integrity of destinations for future generations.

- 41 (A) for the sake of working (B) without much effort
(C) on account of the setback (D) in spite of the convenience
- 42 (A) attach (B) amount (C) refrain (D) resort
- 43 (A) advantages (B) rewards (C) impacts (D) awards
- 44 (A) Consequently (B) Presumably (C) Subsequently (D) Deliberately
- 45 (A) Through (B) As (C) Upon (D) Since

請依下文回答第 46 題至第 50 題：

The construction of the Egyptian pyramids has long fascinated historians, engineers, and spiritual seekers alike. While mainstream archaeology attributes these monumental structures to skilled labor and stone tools, the Seth Material—a series of spiritual teachings said to be received by Jane Roberts in the 1960s and 70s through a trance-like state—offers a radically different explanation. According to the Seth Material, the pyramids were not built through physical exertion alone, but by employing a forgotten mastery of “inner sound” and consciousness to manipulate matter.

The Seth Material suggests that ancient Egyptians understood how to use sound not just as a sensory experience but as a force capable of altering matter’s density. This allowed massive stone blocks to be lifted without traditional machinery. In addition, the Seth Material introduced the concept of “coordinate points,” specific locations in space-time where consciousness and physical reality intersect more readily. These energetic zones could have allowed ancient builders to assemble structures with greater ease—possibly using focused thought or conscious will rather than just tools and labor. From this view, the pyramids were more than tombs; they were multi-dimensional tools, perhaps even serving as gateways between physical and non-physical realms.

This theory, while unconventional, invites several positive interpretations. It challenges materialist assumptions and encourages expansive thinking about human potential and the spiritual dimensions of ancient technology. The notion of using sound and mental focus to shape reality echoes concepts found in other ancient wisdom traditions, such as Tibetan monks chanting to move objects. Some contemporary researchers have even explored whether the pyramids’ locations correspond with subtle Earth energies, lending a degree of speculative support to the coordinate point concept. At the very least, the whole theory adds symbolic value, portraying the pyramids as the result of a civilization deeply in tune with the universe, not just with stone.

However, these ideas are met with strong skepticism in academic circles. There is no physical or historical evidence of tools or knowledge that could manipulate matter through consciousness. The Seth Material, being channeled, lacks peer-reviewed validation and relies heavily on belief and interpretation. Moreover, critics argue that attributing ancient achievements to mystical forces can undermine the ingenuity and labor of real human workers, engineers, and societies who demonstrated incredible organizational and technical skill for their time.

In essence, while the Seth Material offers a poetic and metaphysically rich perspective, it remains speculative and largely unsupported by conventional science. Still, its imaginative framework can inspire new ways of thinking about what ancient civilizations might have known—and what we have yet to rediscover.

- 46 Which of the following best describes the overall structure of this passage?
(A) A spiritual philosophy advocating non-materialist history.
(B) A technical rejection of purely metaphysical assumptions.
(C) A balanced comparison between two contrasting theories.
(D) A chronological narration of pyramid construction methods.
- 47 Which of the following is **NOT** discussed in this passage?
(A) The claim that pyramids functioned as astronomical observatories.
(B) The concept that sound was used to alter the density of stone blocks.
(C) The mainstream view that skilled labor and stone tools built pyramids.
(D) The concerns that theories involving inner sound lack empirical support.
- 48 According to the passage, what purpose does the comparison to Tibetan monks serve?
(A) Proving that sound has seldom been used to levitate objects.
(B) Refuting the Seth Material by pointing out alternative explanations.
(C) Providing an example of similar metaphysical claims across cultures.
(D) Explaining why Eastern traditions had better technology than Egyptians.
- 49 According to the passage, how does the Seth Material explain pyramids differently from the traditional view?
(A) It proposes that pyramids were constructed by ancient machines.
(B) It emphasizes the technological advancements of ancient Egyptians.
(C) It argues that aliens were responsible for the construction of pyramids.
(D) It suggests that mental focus and sound played a role in building pyramids.
- 50 Which of the following is directly implied about the Seth Material’s explanation of pyramid construction?
(A) It is rooted in forgotten ancient texts.
(B) It relies heavily on archaeological relics.
(C) It was widely accepted in the 1960s and 70s.
(D) It suggests a reality where thought influences matter.