

113年公務人員高等考試三級考試試題

類 科：各類科（除公職社會工作師、公職獸醫師、公職建築師、公職護理師、公職食品技師、公職醫事檢驗師及公職藥師外）

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 依據憲法學原理，修正憲法之程序，較修正普通法律之程序繁雜者為：
(A)成文憲法 (B)不成文憲法 (C)柔性憲法 (D)剛性憲法
- 2 憲法及其增修條文中關於「保險」之規定，不包括下列何者？
(A)國家應推行全民健康保險
(B)國家對於身心障礙者之保險與就醫，應予保障
(C)國家應獎勵私人保險制度，對於無力繳納保費者，應予以適當之扶助
(D)國家為謀社會福利，應實施社會保險制度
- 3 集會遊行法規定，室外集會、遊行應向主管機關申請許可，未排除緊急性或偶發性集會、遊行，依司法院釋字第 718 號解釋，上述規定違反下列何者？
(A)平等原則與結社自由 (B)比例原則與結社自由 (C)平等原則與集會自由 (D)比例原則與集會自由
- 4 依司法院大法官解釋意旨，關於職業自由及工作權之敘述，下列何者錯誤？
(A)職業自由之保障範圍，僅及於為謀求生計而進行之營利性質職業，並不包含公益、非營利以及無給職
(B)國家為增進公共利益，得於必要限度內以法律或經法律明確授權之命令，對於職業自由加以限制
(C)人民開業、停業以及從事營業之時間、地點、對象及方式之自由，均屬憲法工作權所保障之範圍
(D)職業自由之限制，可以區分為「執行職業之自由」、「選擇職業應具備之主觀條件」以及「選擇職業應具備之客觀條件」三種層面，且有寬嚴不同之容許標準
- 5 依司法院釋字第 490 號解釋，有關兵役義務與人民宗教自由的關係，下列敘述何者錯誤？
(A)兵役義務本質上為戰鬥義務，故違反人性尊嚴
(B)人民服兵役的方式，由立法者決定
(C)兵役法之規定不包含促進或限制宗教的目的
(D)兵役義務為防衛國家安全所必須
- 6 依憲法第 24 條規定，立法者應制定有關國家賠償之法律。此學理上稱為下列何者？
(A)政策目標條款 (B)立法形成自由 (C)憲法機關忠誠 (D)憲法委託
- 7 有關現行立法委員選舉制度，下列敘述何者錯誤？
(A)立法委員名額之分配，以法律定之
(B)全國不分區立法委員依政黨名單投票選舉之，由獲得百分之五以上政黨選舉票之政黨依得票比率選出之
(C)自由地區直轄市、縣市之立法委員名額，每縣市至少 1 人
(D)立法委員 113 人，任期四年，連選得連任
- 8 依現行憲法規定及相關司法院大法官解釋，行政院院長何時具備辭職之法定義務？
(A)對行政院院長提出不信任案，如經全體立法委員二分之一以上贊成，行政院院長應於 10 日內提出辭職
(B)國家重要政策未獲立法院支持
(C)提出之覆議案經立法院決議維持原案時
(D)立法委員任期屆滿改選後第一次集會前，行政院院長自應向立法院提出辭職
- 9 下列何者非屬司法院大法官之職權？
(A)統一解釋法令 (B)憲法解釋 (C)政黨違憲審查 (D)總統選舉無效訴訟
- 10 關於地方自治立法權之範圍，下列敘述何者錯誤？
(A)以轄區內之人、事、物為其規範對象，屬於地方立法權限
(B)對於轄區外居民或事物，會產生直接、密切之實質影響，則具有跨區之性質，立法權限應屬於中央
(C)有全國一致之性質者，應屬於中央立法事項
(D)地方自治規範不得有較中央法規更為嚴格之限制

- 11 下列何者並非習慣成為習慣法的要件？
(A)社會上確實有反覆施行該習慣的事實
(B)需要社會上大多數成員對之有法的確信，甘願受其拘束而無爭議
(C)必須經過國家的調查而記載於官方文書上
(D)該習慣之內容不得違背公共秩序及善良風俗
- 12 依中央法規標準法規定，法規內容條文較多時，得依下列何種順序排列？
(A)編、章、節、款、目 (B)章、目、編、款、節 (C)章、節、段、篇、目 (D)目、章、節、段、篇
- 13 下列關於文義解釋之敘述，何者錯誤？
(A)文義解釋乃指依照語言文字之可能表達方式，掌握法律條文之字面意義
(B)文義解釋有其極限
(C)應進行文義解釋之法條，不以法條意義含混者為限
(D)文義解釋為法律解釋之一種，解釋時以法學用語為斷，無需顧及一般非法律專業者之語言習慣
- 14 因為公司經營不善出現虧損，為了避免額外的支出，雇主宣布，基於企業經營所需，所有勞工必須於兩週內將特休全部休完，逾期將不轉成工資發放。下列敘述何者正確？
(A)不論企業有無虧損，特休假之排定，原則上都需要勞資雙方同意，任一方不能單方面決定
(B)對於虧損的企業來說，避免特休假未休完之工資支出，是合理的企業迫切需求，得以之要求勞工配合
(C)關於公司之請假和休假，雇主有針對企業特性和需求為調整之空間，因此可以限定排休之期間
(D)勞工有特休之排定權利，雇主不得指明勞工僅能於特定期間內排休
- 15 在性別平等工作法的規定下，受僱者同時撫育子女 2 人以上者，其育嬰留職停薪期間應如何計算？
(A)應分開計算，以每一子女受撫育滿 2 年為限
(B)應合併計算，最長以最長子女受撫育 3 年為限
(C)應合併計算，最長以最幼子女受撫育 2 年為限
(D)應分開計算，最長以最長子女受撫育 3 年為限
- 16 有關總統、副總統選舉候選人之敘述，下列何者錯誤？
(A)副總統候選人於投票日前死亡，該組總統候選人仍當選時，應於就職後提名副總統候選人，由立法院補選
(B)總統副總統候選人應聯名申請登記，如副總統候選人資格不符規定，則該組候選人應不予登記
(C)二個以上政黨得共同推薦一組總統副總統候選人；同一政黨，亦得推薦二組以上候選人
(D)總統候選人之一於登記截止後投票日前死亡，中央選舉委員會應即公告停止選舉，並定期重行選舉
- 17 依民法之規定，下列有關債務承擔之敘述，何者正確？
(A)第三人與債權人訂立契約承擔債務人之債務者，其債務於債務人承諾時，移轉於該第三人
(B)第三人與債務人訂立契約承擔其債務者，須經債權人承認，始對於債權人發生效力
(C)承擔人因承擔債務之法律關係所得對抗債務人之事由，得以之對抗債權人
(D)債權人拒絕承認時，僅承擔之第三人得撤銷其承擔之契約
- 18 關於刑法第 15 條第 1 項「法律上有防止之義務」之認定，下列何者非實務見解所採的標準？
(A)基於外國慣習 (B)基於法律明文 (C)基於契約之約定 (D)基於法律精神
- 19 有關臺灣法律繼受之敘述，下列何者錯誤？
(A)臺灣自日治時期開始，繼受近代歐陸法
(B)臺灣在戰後因政治經濟因素，開始繼受美國法
(C)臺灣在繼受美國法後，法律體制已成為英美法系
(D)清朝末年民國初年透過日本，中國開始繼受近代歐陸法，此繼受經驗後也影響到臺灣
- 20 關於消費者保護法企業經營者之責任，下列敘述何者錯誤？
(A)從事生產商品之企業經營者應負無過失責任
(B)提供服務之企業經營者應負無過失責任
(C)從事經銷之企業經營者應負推定過失責任
(D)輸入商品之企業經營者應負推定過失責任

- 21 Pretending to be a superhero allows a child to act out and process any anxiety he/she has, thereby resolving or reducing ____ fears.
(A) underwriting (B) underlying (C) underlining (D) undertaking
- 22 There is every ____ of the weather remaining hot and humid this week.
(A) respect (B) retrospect (C) suspect (D) prospect
- 23 Since the war broke out, the whole world has been suffering from ____; hence, the prices for goods and services have been continuously rising.
(A) inflation (B) expansion (C) concession (D) reflection
- 24 The comedian used humor to ____ the audience's attention away from the controversial topic.
(A) divert (B) exclude (C) dissolve (D) engrave
- 25 My sources insist on remaining anonymous because they fear for being punished if they were to be ____.
(A) satisfied (B) classified (C) identified (D) modified
- 26 No matter how consistent you are with your habits and good disciplines, it is ____ that life will interrupt you at some point.
(A) discontinuous (B) discontent (C) inefficient (D) inevitable
- 27 He was quiet and timid, so unlikely to go round ____ afterwards if it was a disaster.
(A) gloating (B) glistening (C) glimpsing (D) gossiping
- 28 The doctor will ____ on the patient's lung tomorrow to fix a blockage in one of the arteries.
(A) affect (B) involve (C) operate (D) repeat
- 29 Our conversation turned ____ when my friend brought up a very personal topic that shouldn't be mentioned at all.
(A) even (B) awkward (C) seamless (D) harmonious
- 30 She didn't say anything to the salesperson, but gave a small ____ of her shoulders and walked away.
(A) nod (B) bow (C) shrug (D) curtesy
- 31 The police found his alibi to be ____ and decided to investigate him further.
(A) sufficient (B) convincing (C) suspicious (D) foolproof
- 32 This family's mealtime conversations often ____ around their children's schoolwork activities to monitor their progress.
(A) dissolved (B) revolved (C) devoted (D) provoked
- 33 Instead of working on her own, Jane enjoys doing her class assignments and projects through ____ with her classmates.
(A) collaboration (B) exaggeration (C) intervention (D) prosecution
- 34 Taiwan's Centers for Disease Control advised citizens to have at least four vaccination shots against Covid-19 when the ____ raged across the island.
(A) entertainment (B) pandemic (C) celebration (D) ceremony
- 35 Some people like buying high street clothes to wear, whereas others prefer outfits with designer brands as they tend to ____ their high social status.
(A) perceive (B) relinquish (C) showcase (D) conceive
- 36 A fugitive billionaire was arrested in New York on ____ related to a \$1 billion fraud scheme.
(A) bills (B) charges (C) poses (D) regards
- 37 Children and the elderly are the most ____ to flu infection, so they should get vaccinated as early as possible.
(A) fashionable (B) considerable (C) variable (D) vulnerable
- 38 The ____ of the company's financial records was discovered during an internal audit, leading to a legal investigation by regulatory authorities.
(A) exhibition (B) assumption (C) preservation (D) manipulation
- 39 Polly has been under stress from work and family, but she doesn't know how to ____ her anxiety to her husband or friends.
(A) articulate (B) cumulate (C) optimize (D) subscribe

- 40 Peter ____ his power as supervisor by frequently asking his subordinates to do his personal matters.
(A) abused (B) accused (C) alleged (D) amplified

請依下文回答第 41 題至第 45 題：

“Somebody must have made a false accusation against Josef K., for he was arrested one morning without having done anything wrong.” As in Kafka’s long story *Metamorphosis*—which begins with the line “Gregor Samsa awoke one morning from uneasy dreams to find himself ____ 41 ____ in his bed into a gigantic insect”—the entire narrative of *The Trial* emerges from the condition that announces itself in the opening sentence. The protagonist, Josef K., never discovers what he is being ____ 42 ____, and is never able to understand the principles governing the system of justice in which he finds himself ensnared. Instead, the narrative follows his exhausting determination to understand and to ____ 43 ____ his innocence in the complete absence of any doctrine that would explain to him what it would mean to be ____ 44 ____, or indeed, of what he actually stands accused. In following Josef K.’s struggle toward ____ 45 ____, the novel presents us with an astonishingly moving account of what it is to be born naked and defenseless into a completely incomprehensible system, armed only with a devout conviction of innocence.

- 41 (A) transported (B) translated (C) entertained (D) transformed
42 (A) connected by (B) convinced of (C) charged with (D) exempted from
43 (A) contest (B) protect (C) detest (D) arrest
44 (A) grumpy (B) credible (C) guilty (D) filthy
45 (A) absolution (B) revolution (C) elaboration (D) superstition

請依下文回答第 46 題至第 50 題：

Guide dogs are service or assistance dogs trained specifically to help people with a visual impairment navigate around. Apart from helping people navigate, they are a companion and provide a sense of freedom to the visually impaired. We all might have seen a guide dog with a person, but do we know how they help the visually impaired person or handler? Do we know the intensity of training and what it takes to be a guide dog? Here are a couple of things you probably didn’t know about guide dogs.

First, not every dog is cut out to be a guide dog. They are carefully chosen for breeding with the sole purpose to train them to be a guide dog. Most of the guide dogs originate from a carefully planned breeding program. Enormous focus is given to the physical health and characteristics like intelligence, good temperament, stability and willingness to work. It is a known fact that when puppies are screened, only about 70% make the cut.

In addition, the training period for a guide dog from the time of its birth is anywhere between 15-18 months. They go through two different stages in their training. The first stage is when the puppies spend about a year in a specific volunteer’s household. They learn to abide by some guidelines and are exposed to different people, sounds, situations, places like railway stations, shops, traffic areas as a part of their training. They’re exposed to a fun and unique training. On the second stage, the dogs receive a formal training at a training center by professionals. This training lasts for about 5-6 months. The dogs are assessed at regular intervals and continuously monitored for progress.

- 46 According to this passage, which of the following is closest in meaning to the phrase “make the cut”?
(A) Comply. (B) Apply. (C) Qualify. (D) Quantify.
47 According to the passage, which of the following qualities is not going to be taken account of for choosing a guide dog?
(A) Good temperament. (B) Intelligence. (C) Physical health. (D) Willingness to play.
48 Which of the following can best describe the tone of this passage?
(A) Cynical. (B) Indifferent. (C) Objective. (D) Prompt.
49 According to the passage, which of the following best describes the nature of the first-stage training?
(A) Exceptional. (B) Incredulous. (C) Apprehensive. (D) Malicious.
50 According to the passage, how often are the guide dogs evaluated on the second stage of the training?
(A) Constantly. (B) Sporadically. (C) Casually. (D) Occasionally.