

# 東吳大學 112 學年度博士班招生考試試題

第1頁，共1頁

系級	法律學系博士班	考試時間	100 分鐘
科目	法學英文	本科總分	100 分

※一律作答於答案卷上(題上作答不予計分)；並務必標明題號，依序作答。

一、 名詞解釋: 請以 100 字以內之中文解釋下列名詞，每題 5 分 (40%)

1. *Caveat Emptor*
2. Adversarial/Adversary System
3. Statute of Limitations
4. Representations and Warranties
5. Right to Counsel
6. Dispute Settlement
7. Subject matter jurisdiction
8. Necessity

二、 英翻中 (每題 20 分，60%)

1. The Constitutional Court of Judicial Yuan, in its Court Interpretation No, 13, found that the National Health Insurance Administration (NHIA) allowing access to the national health database for academic research was partly unconstitutional. Health authorities have not clearly stipulated the procedures for the use, organization, deletion, termination and withdrawal of information in the health insurance database, which violated laws on personal-data retention. Given the lack of an independent monitoring mechanism to ensure data protection under the National Health Insurance Act, the act should be revised within three years to improve personal data protection. If an amendment to the act is not made within three years to rectify this, individuals would be permitted to request that their health-insurance information not be used for purposes other than the National Health Insurance program.
2. On April 12, China's Ministry of Commerce (MOC) announced that it had opened an investigation into tariffs and other unilateral restrictions on 2,455 Chinese items banned by Taiwan, including agricultural products, textiles, minerals, and petrochemicals. In doing so, Beijing is following the procedures of the World Trade Organization (WTO) to deal with a bilateral trade dispute. As far as cross-strait trade is concerned, this is both unusual and unprecedented. China has always opposed the so-called internationalization of the Taiwan issue, which Beijing firmly believes is an internal Chinese affair with no international interference.
3. The bifurcated trial system as a method of administering the insanity defense determines guilt or innocence during one part of the trial while deciding sanity in another part. One advocate for bifurcated trials argues their advantages to consist of presenting a clear-cut delineation of the issues that prevents jury confusion, promoting a truer understanding of the issues, eliminating appeals to the jury's sympathy, preventing compromise verdicts, and saving time if the defendant is found not guilty at the first trial.