

考試科目	社會議題分析	系所別	法律科際整合研究所	考試時間	2月5日(四)第2節
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一、請閱讀以下兩篇短文，並附理由回答以下問題（70%）

（一）從短文一的論述中，您認為針對價值極低的物品，公務員仍然可能面臨法定刑期五年以上的貪污重罪，是否合理？（30分）

（二）從短文二的論述中，您認為我國政府應如何協助學校、企業提出因應之道？（40分）

短文一：（資料節錄自：法律扶助基金會 Legal Aid Foundation of Taiwanx 臉書貼文 2025/12/2）

台北市 1 名任職 34 年的黃姓清潔隊員，因將資源回收物舊電鍋轉送給拾荒老婦，被士林地檢署認定涉犯《貪污治罪條例》第 6 條第 1 項第 3 款「侵占職務上持有之非公用私有財物罪」起訴，屬 5 年以上重罪。士林地院於 2025 年 12 月判決，判處黃員有期徒刑 3 月、緩刑 2 年、褫奪公權 1 年。

全案起源於 2024 年 7 月，黃員執勤時發現資源回收車上有一只舊電鍋尚可使用，想到附近有個靠拾荒維生的老婦人，因此將這只舊電鍋轉送給拾荒老婦，希望能讓對方有熱食可吃。事後因隊內傳聞「有人私拿回收物」，主管調閱監視器後鎖定黃員，便要求黃員繳回，黃員不好意思再向老婦人索討，於是自掏腰包購買新電鍋更換舊品歸還環保局，並在政風室約談時主動向廉政署自首，調查中亦全盤自白。儘管舊電鍋經估價僅值 32.56 元，且黃員動機良善，但依《臺北市府環境保護局環境清潔勤務須知》，回收物一旦上車即屬市府財物，清潔隊員不得擅自處分。檢方因此認定黃員係「利用職務上機會擅自取走回收物」，符合《貪污治罪條例》的職務侵占罪構成要件，依法必須起訴。檢察官在起訴書中雖表達了黃員自首、涉案金額低微，可依法減輕其刑的求情意見，但因職務侵占罪屬重大罪名，仍交由法院審酌量刑。公訴檢察官在法庭上指出，縱使被告動機助人，但「慷他人之慨仍是不法」，強調本案金額雖極低、損害輕微，且有自白、自首等情狀，仍應「依法減刑，不得免刑」。法扶律師則為黃員辯護，強調他服務超過 30 年從未違紀，本次確屬善意誤觸法網，涉案金額僅 32.56 元，典型「情輕法重」，請求法院從寬量刑並給予緩刑機會。

短文二：（資料節錄自：天下學習，DEI 或 DIE，<https://web.cheers.com.tw/issue/2025/dei/index.html>）

隨著川普 2.0 時代開啟，美國反對「DEI」（Diversity, Equity, Inclusion，即多元、平等與共融）的浪潮愈演愈烈，許多國際巨頭開始調整相關預算或部門。台灣高度擁抱新概念，很難不自問：難道「DEI」僅僅只是為了政治正確而存在？這股名為「DEI」的浪潮，最終是否將「DIE」在灘頭上？資誠（PwC）企業管理顧問公司執行董事桂竹安指出用人唯才與多元包容不該是衝突的，企業必須回到 DEI 本質，讓多元人才的價值真正體現在業務中，而非僅僅是滿足指標，「川普的某些言論，其實也提醒了企業，如果只是表態，而沒有真正落實 DEI，反而會變成一場數字遊戲，最終引發反彈。」世界經濟論壇（WEF）指出，一份「好工作」應包括：公平薪酬、科技平權、彈性工作與支持、身心健康與福祉、賦能與學習文化、多元平等共融；而最終的目的，是為了創造一個「所有人都能被好好對待與善用」的職場環境。DEI 不僅是「好工作」的價值之一，更是改善職場環境的重要支點。2024 年，全台職場霸凌及身心殞落事件頻傳；根據研究統計，台灣員工倦怠（Burnout）比例更是世界第一，每 5 人中就有一人曾因工作求助身心科，如今，員工遇到騷擾與歧視時，選擇向上反應的比例是 3 年來最高。

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二、Read the following excerpt from a news report on the abc NEWS website. Based on the news report, write an essay analyzing the conflict between protecting children and ensuring free expression in the debate over social media bans. Is a ban the right solution?

(本題得選擇以中文或英文作答)(30分)

**Following Australia's lead, Denmark plans to ban social media for children under 15
Denmark is planning to follow Australia in introducing stricter restrictions for younger teens to access social media**

By JAMES BROOKS Associated Press. December 11, 2025

As Australia began enforcing a world-first social media ban for children under 16 years old this week, Denmark is planning to follow its lead and severely restrict social media access for young people. The Danish government announced last month that it had secured an agreement by three governing coalition and two opposition parties in parliament to ban access to social media for anyone under the age of 15. Such a measure would be the most sweeping step yet by a European Union nation to limit use of social media among teens and children. The Danish government's plans could become law as soon as mid-2026. The proposed measure would give some parents the right to let their children access social media from age 13, local media reported, but the ministry has not yet fully shared the plans.

Many social media platforms already ban children younger than 13 from signing up, and a EU law requires Big Tech to put measures in place to protect young people from online risks and inappropriate content. But officials and experts say such restrictions don't always work.

Danish authorities have said that despite the restrictions, around 98% of Danish children under age 13 have profiles on at least one social media platform, and almost half of those under 10 years old do. The minister for digital affairs, Caroline Stage, who announced the proposed ban last month, said there is still a consultation process for the measure and several readings in parliament before it becomes law, perhaps by "mid to end of next year." "In far too many years, we have given the social media platforms free play in the playing rooms of our children. There's been no limits," Stage said in an interview with The Associated Press last month. "When we go into the city at night, there are bouncers who are checking the age of young people to make sure that no one underage gets into a party that they're not supposed to be in," she added. "In the digital world, we don't have any bouncers, and we definitely need that."

Under the new Australian law, Facebook, Instagram, Kick, Reddit, Snapchat, Threads, TikTok, X and YouTube face fines of up to 50 million Australian dollars (\$33 million) if they fail to take

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reasonable steps to remove accounts of Australian children younger than 16.

Some students say they are worried that similar strict laws in Denmark would mean they will lose touch with their virtual communities. “I myself have some friends that I only know from online, and if I wasn’t fifteen yet, I wouldn’t be able to talk with those friends,” 15-year-old student Ronja Zander, who uses Instagram, Snapchat and TikTok, told the AP.

Copenhagen high school student Chloé Courage Fjelstrup-Matthisen, 14, said she is aware of the negative impact social media can have, from cyberbullying to seeing graphic content. She said she saw video of a man being shot several months ago. “The video was on social media everywhere and I just went to school and then I saw it,” she said.

Line Pedersen, a mother from Nykøbing in Denmark, said she believed the plans were a good idea. “I think that we didn’t really realize what we were doing when we gave our children the telephone and social media from when they were eight, 10 years old,” she said. “I don’t quite think that the young people know what’s normal, what’s not normal.”

Danish officials are yet to share how exactly the proposed ban would be enforced and which social media platforms would be affected. However, a new “digital evidence” app, announced by the Digital Affairs Ministry last month and expected to launch next spring, will likely form the backbone of the Danish plans. The app will display an age certificate to ensure users comply with social media age limits, the ministry said. “One thing is what they’re saying and another thing is what they’re doing or not doing,” Stage said, referring to social media platforms. “And that’s why we have to do something politically.”

Some experts say restrictions, such as the ban planned by Denmark, don’t always work and they may also infringe on the rights of children and teenagers. “To me, the greatest challenge is actually the democratic rights of these children. I think it’s sad that it’s not taken more into consideration,” said Anne Mette Thorhauge, an associate professor at the University of Copenhagen. “Social media, to many children, is what broadcast media was to my generation,” she added. “It was a way of connecting to society.”

Currently, the EU’s Digital Services Act, which took effect two years ago, requires social media platforms to ensure there are measures including parental controls and age verification tools before young users can access the apps. EU officials have acknowledged that enforcing the regulations aiming at protecting children online has proven challenging because it requires cooperation between member states and many resources.

Denmark is among several countries that have indicated they plan to follow in Australia’s steps. The Southeast Asian country of Malaysia is expected to ban social media accounts for people under the age of 16 starting at the beginning of next year, and Norway is also taking steps to restrict social media access for children and teens.

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- 一、作答於試題上者，不予計分。
- 二、試題請隨卷繳交。