


考前最後衝刺： 不可不知的法律英文關鍵字彙（下）

	<p>主筆人：文政大</p> <p>本單元因應100年新制，新增法學英文一科而開闢，主筆人文政大老師曾留學美國，專業橫跨外交、法律與政治學，並同時具有學術與實務經驗，對教學充滿熱忱。希藉由文政大老師的背景知識，帶領考生們贏得滿意高分。</p> <p>◎最新開課日，請點閱高點法律網 lawyer.get.com.tw/</p>
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壹、前言

接續上一期對重點單字的分類整理，本期再介紹考試重點中的重點：訴訟法 (procedural law)、侵權行為法 (tort law) 與刑法 (criminal law) 的經典單字。請同學務必掌握之，方能在考場上取得滿意的分數。

貳、不可不知的「訴訟法」(procedural law) 字彙

1. **custody 羈押 (n.) (v.)** → illegal search and custody 不法搜索與羈押

例句：This case where the evidence and confession derived from illegal search and custody has dropped down to acquittal.

本案因證據與自白取自不法的搜索與羈押而無法成立。

2. **acquittal 無罪、不成立、不起訴(n.)** → acquittal of (crime) 不成立 (某犯罪)

例句：O. J Simpson was acquitted of murdering his wife due to insufficient



evidence.

辛普森謀殺妻子的罪行因檢方證據不足而無法成立。

3. conviction 有罪判決(n.)→ the conviction of (crime) (某罪) 宣判有罪

例句：The defended virtually rendered a conviction of molest.

被告最終被為法院宣判猥褻罪成立。

4. evidence 證據 (n.)→ circumstantial evidence 間接證據

例句：In this murder case, the prosecution can simply present some circumstantial evidence.

在本謀殺案中檢方僅能提供某些間接證據。

5. warrant 搜索票、拘票 (n.)→ to issue the warrant 核發搜索票

例句：In order to obtain more detail evidence further, the police and prosecutor have requested the court to issue the warrant.

為了進一步取得細節的證據，警方與檢察官請求法院核發搜索票。

參、不可不知的「侵權行為法」(tort law)字彙

1. negligence 過失行爲 (n.)→ intended act or negligent act 故意或過失行爲

例句：Negligence is the lowest standard to plea for a tort case.

過失是侵權案件中最低的主張依據。

2. tortfeasor 侵權行爲人 (n.)→ tortfeasor and the victim 侵權加害人與被害人

例句：The tortfeasor refers to a person who commits a tort, either intentionally or through negligence

侵權行爲人指涉犯下民事故意或過失的上侵權行爲的個人。

3. compensation 補償(adj.)→ compensation for.....對某事的賠償

例句：The compensation and restitution are both the legal remedies courts may declare in a tort case.

補償或恢復原狀兩者都是法院在侵權個案中可能宣告的救濟方法。

4. liability (侵權) 責任(n.)→ strict liability 無過失責任

例句：To impose the strict liability to the specific cases and to introduce the insurance system to cover the loss for the victim are two streams of reformation in the tort law.

在特定領域施加嚴格過失責任與引進保險制度填補被害人的損失是侵權行爲法改革的兩項主流。

5. risk 風險 (n.)→ foreseeable risk 可預見的風險；assumption of risk 自冒風險

例句：Assumption of risk is a defense of a tort case which entails proving that the plaintiff knew of a dangerous condition and voluntarily exposed himself or herself to it.

自冒風險是被告對侵權行爲的抗辯當原告一開始就已知道危險的情況而仍自願暴露於該風險中的情況。



肆、不可不知的「刑法」(criminal law)字彙

1. **manslaughter 一般殺人罪 (n.)**

→ voluntary manslaughter 故意殺人罪；
involuntary manslaughter 非故意殺人罪

例句：Manslaughter and murder are both crimes of homicide.
一般殺人罪與謀殺罪都屬於殺人罪的類型。

2. **assault and battery 傷害罪(n.)**→ assault 不以身體為限；battery 毆打傷害

例句：He was charged with assault and battery.
他被控犯下傷害罪。

3. **self-defense 自衛(adj.)**→ self defense and necessity 自衛與必要性

例句：The use of the right of self-defense as a legal justification for the use of force in times of danger is available in many jurisdictions, but the interpretation varies widely.
自衛權的使用在法律上的正當性作為危險發生時的武力使用在許多管轄權中是被肯認的，然而不同管轄權對這項權利的解釋都有所差異。

4. **felony 重罪(n.)**→ felonious crime 重大犯罪；felony and misdemeanor 輕罪

例句：Murder is regarded the felonious crime due to the gross malice of such conduct.
謀殺因惡性重大而被視為重罪。

5. **capital punishment 死刑 (n.)**→ capital 極大的 相當於 death penalty

例句：Whether the death penalty should remain to exist or to be revoked is not only an academic but also a practical controversy.
死刑是否應廢除不僅是學術更是實務上的爭議。

伍、小結

本文刊載於專欄之際，距離同學們上考場的時間不遠矣。筆者於本文中整理出來的法英字彙（與片語）應是法英命題的焦點。再度強調同學可透過例句的閱讀來增強自己對相關字彙的掌握。筆者在此更建議考生們考前閱讀法律文件，使自己熟悉法律英文的寫作風格與形式，如此按部就班的準備，必能讓自己在司法考試中，輕鬆取得高分。

