

# 平成 31 年度 社会学類編入学試験

## 【法学】

### 専門科目問題冊子

#### (注意事項)

- ・問題冊子 1 部、解答用紙 2 枚が配られているか、確認してください。
- ・これは**法学主専攻**の試験問題です。あらかじめ届け出ている主専攻と合致しているか、確認してください。
- ・すべての解答用紙の所定欄に、学群、学類、氏名、受験番号を記入してください。これらが正しく記入されていない答案は、採点できないことがあります。
- ・法学の専門科目問題は、【問題 1】、【問題 2】の 2 つで構成されています。すべての設問に解答してください。
- ・解答用紙は、【問題 1】、【問題 2】のそれぞれについて 1 枚を使用してください。(合計 2 枚を使用)。なお、解答用紙の第 1 行目に、解答した問いの番号 (【問題 1】、【問題 2】) を、それぞれ記入してください。
- ・解答欄が足りない場合には、裏面を利用してください。ただし、その場合には、解答用紙の表の最終行に「裏面へ続く」旨記入してください。

【問題 1】

- (1) 罪刑法定主義とは何かを述べなさい。(10 点)
- (2) 共謀共同正犯とは何かを述べなさい。(10 点)
- (3) 刑法 60 条は、「二人以上、共同して犯罪を実行した者は、すべて正犯とする。」と規定しているが、この 60 条に関して、共謀共同正犯を認めることは罪刑法定主義に反するという解釈論、反しないとする解釈論をそれぞれ示しなさい。(10 点)
- (4) 以上を踏まえた上で、共謀共同正犯を認めるのか認めないのか、あなたの考えを述べなさい。(20 点)

## 【問題 2】

〔1〕下記の語群について、専門用語としての意味を書きなさい。単語ごとに書いても、語群単位でまとめて書いても構いませんが、2つの語の違いが分かるように書きなさい。(各小問2点)

- (1) 代理・委任
- (2) 血族・姻族
- (3) 無効・取消
- (4) 不動産・動産
- (5) 消費貸借・賃貸借

〔2〕Yは、本件土地の1000分の1の持分を1口とする小口化商品を開発し、買い受けを募ったところ、Xはこれに応じて30口を購入した(以下、本件持分という)。XとYとは、上記売買契約と共に、YがXから本件持分を賃借し、1口当たりで定めた所定の賃料を支払う賃貸借契約を締結したが、賃貸借開始から約1年後、賃料の支払を行わなくなった。

以上の状況で、Xは、Yの賃貸借関係における債務不履行を理由として、売買関係を含めて本件持分に関する契約を解除することができるか。自己の意見に反対する意見の存在や、状況ごとのXの受ける可能性のある利益不利益をも考慮しながら、自己の解釈及び意見を述べよ。(40点)

# 平成 31 年度 社会学類編入学試験

## 【法学】

### 外国語（英語）問題冊子

#### （注意事項）

- ・問題冊子 1 部、解答用紙 1 枚が配られているか、確認してください。
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次の英文を読み、[問 1]から[問 4]までの各問に日本語で答えなさい（固有名詞は英語のままでよい）。

There are many different types of animals in the world. Some are very large, like elephants and whales, and some are very small, like insects and mice. Some animals live on land, some in the water, and some in the air. All animals need food and water to survive. Some animals are dangerous to humans, but many are not. We should try to protect all animals, especially those that are endangered.

There are many different types of plants in the world. Some are very tall, like trees, and some are very small, like flowers and grass. Some plants live in the desert, some in the rainforest, and some in the tundra. All plants need sunlight and water to grow. Some plants are poisonous, but many are not. We should try to protect all plants, especially those that are endangered.

There are many different types of rocks in the world. Some are very hard, like diamonds and rubies, and some are very soft, like clay and sand. Some rocks are found in the mountains, some in the ocean, and some in the desert. All rocks are made of different minerals. Some rocks are used to build houses and bridges, but many are not. We should try to protect all rocks, especially those that are rare and beautiful.

There are many different types of weather in the world. Some is very hot, like in the desert, and some is very cold, like in the Arctic. Some weather is very dry, like in the desert, and some is very wet, like in the rainforest. All weather is caused by the sun and the wind. Some weather is dangerous, like hurricanes and earthquakes, but many are not. We should try to understand all weather, especially those that are rare and beautiful.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the transparency and accountability of the organization. The text outlines the various methods used to collect and analyze data, ensuring that the information is reliable and up-to-date.

2. The second part of the document focuses on the implementation of the proposed changes. It details the steps involved in the process, from the initial planning stage to the final execution. The text highlights the challenges faced during the implementation and the strategies used to overcome them. It also mentions the role of the staff in ensuring the successful completion of the project.

3. The third part of the document provides a summary of the findings and conclusions. It states that the proposed changes have been successfully implemented and that the organization is now better equipped to handle its operations. The text also mentions the need for continuous monitoring and evaluation to ensure the long-term success of the project.

4. The fourth part of the document discusses the future plans of the organization. It mentions the need for further research and development to improve the efficiency of the operations. The text also mentions the need for the organization to stay updated with the latest trends and technologies in the field. It also mentions the need for the organization to maintain a strong relationship with its stakeholders and to ensure that their needs are met.

5. The fifth part of the document provides a conclusion and a list of references. It states that the proposed changes have been successfully implemented and that the organization is now better equipped to handle its operations. The text also mentions the need for continuous monitoring and evaluation to ensure the long-term success of the project.

6. The sixth part of the document provides a list of references. It includes a list of books, articles, and other sources that were used in the research. The text also mentions the need for the organization to stay updated with the latest trends and technologies in the field.

7. The seventh part of the document provides a list of references. It includes a list of books, articles, and other sources that were used in the research. The text also mentions the need for the organization to stay updated with the latest trends and technologies in the field.

8. The eighth part of the document provides a list of references. It includes a list of books, articles, and other sources that were used in the research. The text also mentions the need for the organization to stay updated with the latest trends and technologies in the field.

9. The ninth part of the document provides a list of references. It includes a list of books, articles, and other sources that were used in the research. The text also mentions the need for the organization to stay updated with the latest trends and technologies in the field.

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[問 1] 下線部(A)を要約しなさい。(30 点)

[問 2] 下線部(B)を全訳しなさい。(40 点)

[問 3] 下線部(C)について、すべて書き出しなさい。(10 点)

[問 4] 下線部(D)について、このような result になった理由について、本文中ではどのように説明されているか答えなさい。(20 点)

出典 : Henry F. Fradella, Weston J. Morrow, Ryan G. Fischer, and Connie Ireland, Quantifying Katz: Empirically Measuring "Reasonable Expectations of Privacy" in the Fourth Amendment Context, *38 Am. J. Crim. L.* 289 (2011) より一部抜粋。