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«اگر دانشگاه اصلاح شود. مملکت اصلاح میشود.»

وزارث علوم. تحقیقات و فنّاوری سازمان سنجش آموزش كشور

**آزمون ورودی دورههای کارشناسیارشد ناپیوسته داخل ـ سال ۱۳۹۵** 

مجموعه حقوق ـ کد ۱۱۲۶

مدت پاسخگویی: ۱۲۰ دقیقه

تعداد سؤال: ۳۱۰

### عنوان مواد امتحانی، تعداد و شماره سؤالها

تا شمارہ	از شماره	تعداد سؤال	مواد امتحانی	رديف	تا شماره	از شماره	تعداد سؤال	مواد امتحاتى	رديف
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این آزمون نمره منفی دارد. استفاده از کتاب قانون مجاز نمیباشد

اردیبهشتماه ـ سال ۱۳۹۵

## عناوین و ضرایب دروس امتحانی مجموعه حقوق ـ کد ۱۱۲۶

رشته	ضرايب دروس امتحاني																
	1	۲	۲	۴	۵	۶	٧	٨	4	1.	11	17	17	15	14	19	14
) حقوق خصوصي	1	٣	1	1	3	٥	0	٥	٥	0	0	٥	٥	0	٥	0	0
) حقوق بينالملل	۲	0	0	0	0	0	٥	۲	0	1	1	1	٥	0	a	0	0
) حقوق جزا و جرمشناسي	1	0	0	0	(0)	Y	۲	0	٥	0	٥	0	۲	.0	٥	0	0
') حقوق عمومي	10	0	0	0	- 3	0	0	31	7	7	0	0	0	0	0	0	0
) حقوق پشر	*	0	0	0	0	0	0		0	7	Y.	0	0	15	τ	0	0
) حقوق مالكيث فكرى	٣	۳	4	0	3.	0	0	٥	0	0	0	0	0	0	o	0	0
') حقوق محيطزيست	٣	0	o	О	0	0	٧	Y	Y	0	0	0	0	0	0	0	0
) حقوق افتصادي	- 1	4	Y.	1	- 1	0	0	0	0	0	0	٥	0	0	0	0	D
') حقوق تجارت بين لملل	Y	۲	1	0	0	0	0	Y	0	0	0	1	0	0	0	0	0
۱) معارف اسلامی و حقوق	Y	0	0	0	٣	۰	0	0	0	0	0	0	0	Y	a	У	0
۱) حقوق ارتباطات	<b>Y</b> 2	0	0	0	٥	0	0	3	0	7		o	0	To .	a	9	7
۱) حقوق تجاري اقتصادي بين لمللي	7	0	7	0	-35	0	0	0	0	0	Ť	Ϋ́	0	0	0	0	0
۱۷) حقوق سردفتری	1.	7	10	1	3	0	0	٥	٥	0	0	0	0	0	0	0	0
۱) حقوق ثبت اسناد و املاک	- 1	7	١.	1	. 3	0	0	0	0	0	0	. 0	0	0	0	0	0
۱۷) حقوق اسناد و قراردادهای تجاری	V	4	Ý	1	3	0	0	0	0	0	0	0	0	0	o	0	0
١١) حقوق حملونقل	15	*	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
۱۱) فقه و حقوق اسلامی	1	7	1	1	3	0	0	0	0	0	0	0	0	0	0		0
۱) فقه و حقوق خصوصی	10	7	36	1	30	0	0	0	0	0	0	0	9.	0	0	0	0
۱) حقوق کیفری اطفال و نوجوانان	Y	0	0	D	25	Y	3.	0	0	0	0	a	Y	0	а	0	0
۲) مدیریت اصلاح و کیفرهای قضایی	1	0	0	0	3	۲	۲	0	٥	0	٥	0	τ.	0	٥	0	0
۲) فقه و حقوق جزا	V.	0	٥	٥	3	Y	۲	0	0	0	0	0	Y	٥	a	0	0
۲) مدیریت نظارت و بازرسی	. 1	0	0	0	3	0	0	1	7	۲	0	0	0	0	0	0	0
۲) مدیریت دادگستری	1	0	0	0	3	0	0	1	۲	۲	o	٥	0	0	0	٥	0
۲) حقوق دادرسی اداری	4	0	0	0	3	o	0	3	7	7	0	0	0	0	a	0	0
۲) حقوق خانواده	10	0	0	0	7	0	0	0	0	0	0	0	0	Ψ.	o	У	0
۲) حقوق شرکتهای تجاری	7	0	٣	0	3	0	0	0	0	0	т	۲	0	0	0	0	0
۳) فقه و حقوق اقتصادی	i,	۳	1	1	1	o	0	0	0	0	a	0	0	0	0	0	0
۲) حقوق نفت و گاز	N.	0	0	0	,	0	0	1	۲	۲	0	a	0	0	0	0	0
۲) حقوق مالی ـ اقتصادی	1	٣	1	1	3	0	0	٥	0	0	o	0	0	0	o	0	0
٣) حقوق تجارت الكثرونيكي	۳	۳	۲	0	- 3	0	0	0	0	0	0	0	0	0	o	0	0

متون حقوق به زبان انگلیسی:

### Reading Comprehension

Directions: Read the following five passages and answer the questions by choosing the best choice (1), (2), (3), or (4). Then mark the correct choice on your answer sheet.

### Passage 1:

The judiciary plays a particularly important role in a system based on the rule of law. This role is complemented by the business-oriented alternative mechanism for dispute resolution, notably mediation, conciliation, and arbitration. As it must by now be clear, law is not merely a collection of written laws and regulations. It also includes the manner in which these rules are actually implemented by government agencies and applied and interpreted by judges and arbitrators. Without having to conceive of law necessarily as "the prophecies of what the courts will do in fact," one can readily recognize that a well-functioning judiciary, in which judges apply the law in a fair and predictable manner, and without undue delays or unaffordable costs, is part and parcel of a functioning system of law. Moreover, such a system of law requires that rules be interpreted, applied, and, where authorized, departed from according to established procedures. It also requires that respect for rules be ensured in the final analysis by the force of the State and that an independent body exist to resolve disputes. The judiciary may also identify inconsistencies of the rules with the basic law or the constitution. It serves as the final institution to monitor and address allegations of corruption, arbitrariness, and lack of accountability by other branches of government. Together, these elements help create an effective competitive system and an atmosphere of social peace in which business can flourish.

### 1- What does the passage mainly discuss?

- 1) The importance of judiciary in a law-based system
- 2) Techniques the judiciary uses to resolve business disputes
- 3) Characteristics of a functioning system of law
- 4) The role of the judiciary in business and politics

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1) discrimination

2) constraint

3) disagreement

- 4) irregularity
- - 1) refers to a system in which judges work independently of each other
  - may impose extra costs on a system of law
  - 3) takes long to interpret and apply law
  - 4) applies laws in an unbiased manner

# 4- All of the following are given as the responsibilities of the judiciary EXCEPT

- 1) resolving disputes between business parties
- 2) reducing competition between businesses
- 3) dealing with the illegal actions of government branches
- 4) looking for contradictions between rules and the constitution

### 5- Why does the author refer to "the State" in the passage?

- 1) To describe how the State provides collections of written laws
- 2) To introduce the body responsible for dispute resolution
- 3) To emphasize its role in law enforcement
- 4) To explain why rules must be respected

### 6- Which of the following best describes the tone of the passage?

1) Favorable

2) Defiant

3) Historical

4) Controversial

### Passage 2:

The classic Sharia provided for due process of criminal law. This included notice of the claim made by the injured person, the right to remain silent, and a presumption of innocence in a fair and public trial before an impartial judge. There were no juries. Both parties in the case had the right to have a lawyer present, but the individual bringing the claim and the defendant usually presented their own cases.

At trial, the judge questioned the defendant about the claim made against him. If the defendant denied the claim, the judge then asked the accuser, who had the burden of proof, to present his evidence. Evidence almost always took the form of the direct testimony of two male witnesses of good character. Circumstantial evidence and documents were usually <u>inadmissible</u>. Female witnesses were not allowed except in cases where they held special knowledge, such as childbirth. In such cases, two female witnesses were needed for every male witness. After the accuser finished with his witnesses, the defendant could present his own.

If the accuser could not produce witnesses, he could demand that the defendant take an oath before Allah that he was innocent. "Your evidence or his oath," the Prophet Muhammad taught. If the defendant swore he was innocent, the judge dismissed the case. If he refused to take the oath, the accuser won. The defendant could also confess to a crime, but this could only be done or ally in an open court.

In all criminal cases, the evidence had to be "conclusive" before a judge could reach a guilty verdict. An appellate system allowed persons to appeal verdicts to higher government officials and to the ruler himself.

7-	What is the author's main purpose in the passage?								
	1) To give examples of rules from the classic Sharia								
	2) To clarify how the classic Sharia informs the implementation of criminal law								
	3) To inform the reader about court routines in Muslim countries								
	4) To discuss the importance of law from a religious standpoint								
8-	The word "inadmissible" in paragraph 2 is closest in meaning to								
	1) inaccurate	2) not allowed							
	3) irrelevant	4) not announced							
9-	The word "this" in paragraph 3 refers to								
	1) taking the oath	2) crime							
	3) winning the case	4) confession							
10-	According to the passage, the defendant would swear to God								
	1) if he didn't accept the witnesses' testimonies								

when he wanted to confess to a crime

3) to prove that he was not guilty

4) after he pled innocent

- 11- Which of the following statements about the process of law based on the classic Sharia is NOT true, according to the passage?
  - 1) Neither juries nor lawyers were present in courts.
  - 2) Sometimes evidence had to be presented orally.
  - 3) Male witnesses were preferable to female witnesses.
  - Government officials would sometimes intervene in crime cases.
- 12- Which of the following methods of idea development has the author used in the passage?

1) Chronological order

2) Anecdotes

3) Classification

4) Process description

### Passage 3:

Fifty-five delegates representing all thirteen states except Rhode Island attended the Constitutional Convention in Philadelphia from May to September 1787. The delegates had been instructed by the Continental Congress to revise the old Articles of Confederation, but most believed that a stronger central government was needed. There were differences, however, about what structure the government should take and how much influence large states should have.

Virginia was by far the most populous state, with twice as many people as New York, four times as many as New Jersey, and ten times as many as Delaware. The leader of the Virginia delegation, James Madison, had already drawn up a plan for government, which became known as the Large State Plan. Its essence was that congressional representation would be based on population. It provided for two or more national executives. The smaller states feared that under this plan, a few large states would lord over the rest. New Jersey countered with the Small State Plan. It provided for equal representation for all states in a national legislature and for a single national executive. Angry debate, heightened by a stifling heat wave, led to deadlock.

A cooling of tempers seemed to come with lower temperatures. The delegates hammered out an agreement known as the Great Compromise—actually a bundle of <a href="mailto:shrewd">shrewd</a> compromises. They decided that Congress would consist of two houses. The larger states were granted representation based on population in the lower house, the House of Representatives. The smaller states were given equal representation in the upper house, the Senate, in which each state would have two senators regardless of population. It was also agreed that there would be a single executive, the president. This critical compromise broke the logiam, and from then on, success seemed within reach.

- 13- What is the main topic of this passage?
  - 1) A disagreement at the Constitutional Convention and a subsequent compromise
  - 2) The most important points of the Small State Plan
  - 3) The differences in population and relative power between the original states
  - James Madison's plan to create a stable structure for the government of the United States
- 14- It can be inferred from the passage that the Articles of Confederation ..........
  - 1) were supported by a majority of the delegates at the Convention
  - allowed small states to dominate large ones
  - 3) provided for only a weak central government
  - 4) were revised and presented as the Large State Plan