

کد کنترل

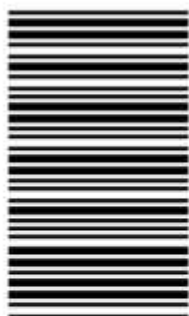
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نام:

نام خانوادگی:

محل امضا:



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صبح جمعه

۱۳۹۷/۲/۷



جمهوری اسلامی ایران
وزارت علوم، تحقیقات و فناوری
سازمان سنجش آموزش کشور

«اگر دانشگاه اصلاح شود، مملکت اصلاح می‌شود.»

امام خمینی (ره)

آزمون ورودی دوره‌های کارشناسی ارشد ناپوسته داخل - سال ۱۳۹۷

مجموعه حقوق - کد (۱۱۲۶)

مدت پاسخگویی: ۱۲۰ دقیقه

تعداد سؤال: ۳۱۰

عنوان مواد امتحانی، تعداد و شماره سؤال‌ها

ردیف	مواد امتحانی	تعداد سؤال	از شماره	تا شماره	ردیف	مواد امتحانی	تعداد سؤال	از شماره	تا شماره
۱	متون حقوق به زبان انگلیسی	۳۰	۱	۳۰	۱۰	حقوق اساسی	۱۵	۱۷۱	۱۸۵
۲	حقوق مدنی	۲۰	۳۱	۵۰	۱۱	حقوق مدنی (تعهدات)	۱۵	۱۸۶	۲۰۰
۳	حقوق تجارت	۱۵	۵۱	۶۵	۱۲	حقوق بین‌الملل خصوصی	۱۵	۲۰۱	۲۱۵
۴	آیین دادرسی مدنی	۱۵	۶۶	۸۰	۱۳	آیین دادرسی کیفری	۱۵	۲۱۶	۲۳۰
۵	متون فقه	۲۰	۸۱	۱۰۰	۱۴	حقوق جزا و آیین دادرسی کیفری	۱۵	۲۳۱	۲۴۵
۶	حقوق جزای عمومی	۱۵	۱۰۱	۱۱۵	۱۵	سازمان‌های بین‌المللی	۱۵	۲۴۶	۲۶۰
۷	حقوق جزای اختصاصی	۲۰	۱۱۶	۱۳۵	۱۶	دروس تخصصی رشته‌های معارف اسلامی و حقوق و حقوق خانواده	۲۵	۲۶۱	۲۹۵
۸	حقوق بین‌الملل عمومی	۲۰	۱۳۶	۱۵۵					
۹	حقوق اداری	۱۵	۱۵۶	۱۷۰	۱۷	حقوق ارتباطات	۱۵	۲۹۶	۳۱۰

استفاده از کتاب قانون مجاز نیست.

این آزمون نمره منفی دارد.

حق چاپ، تکثیر و انتشار سؤالات به هر روش (الکترونیکی و ...) پس از برگزاری آزمون، برای تمامی اشخاص حقیقی و حقوقی تنها با مجوز این سازمان مجاز می‌باشد و با منخلین برابر مقررات رفتار می‌شود.

۱۳۹۷

« داوطلب گرامی، عدم درج مشخصات و امضا در مندرجات جدول ذیل، به منزله عدم حضور شما در جلسه آزمون است. اینجانب با شماره داوطلبی در جلسه این آزمون شرکت می‌نمایم.

امضا:

متون حقوق به زبان انگلیسی:

Directions: Read the following six passages and select the answer choice (1), (2), (3), or (4) that best answers each question. Then mark your answer on your answer sheet.

Passage 1:

Amendment needs always to be thought about seriously when drafting and negotiating a treaty; afterwards is just too late. Although amending a bilateral treaty causes no great technical difficulty, amending a multilateral treaty can raise a multitude of problems. It may have as many as 150 or more parties and be of unlimited duration. These factors lead to two basic problems. First, the process of agreeing amendments and then bringing them into force for all the parties can be even more difficult than negotiating and bringing into force the original treaty. Secondly, because of their long life, multilateral treaties are often in need of amendment.

Before the Second World War, treaty amendment usually required unanimity. This is generally still the rule for the constituent treaties of regional international organizations like the Council of Europe and the European Union. But in other cases a practice has developed by which an amendment enters into force only for those parties willing to accept it. This means that the *original* treaty still remains in force (1) as between the parties that do *not* accept the amendments and (2) between those parties and the parties that *do* accept them. This results in a dual treaty regime. This highly unsatisfactory result is made much worse when there is a series of amending treaties.

- 1- **What is the first paragraph mainly about?**
 - 1) Dealing with a series of amending treaties
 - 2) Bringing amendments into force for all the parties
 - 3) Problems caused by amending a multilateral treaty
 - 4) Main advantages of thinking about amendment seriously

- 2- **Which of the following statements is true?**
 - 1) A multilateral treaty is likely to be of unlimited duration.
 - 2) Amending a bilateral treaty is a source of causing difficulty.
 - 3) A bilateral treaty is likely to involve as many as 150 parties or even more.
 - 4) Amendment needs to be considered seriously after a treaty has been fully negotiated.

- 3- **Why does the author refer to the Council of Europe and the European Union?**
- 1) To emphasize the important issue of dual treaty regime
 - 2) To highlight the element of unanimity during the Second World War
 - 3) To illustrate organizations which were established before the Second World War
 - 4) To offer examples of the constituent treaties of regional international organizations
- 4- **The word "it" in paragraph 2 refers to**
- 1) a practice
 - 2) force
 - 3) an amendment
 - 4) the original treaty
- 5- **The word "them" in paragraph 2 refers to**
- 1) the parties
 - 2) amending treaties
 - 3) those parties
 - 4) the amendments

Passage 2:

Culture is a word with a variety of meanings. Here we adopt Hofstede's definition of culture, namely that it consists of "all the learnt patterns of thinking and acting" in a particular group, or, in slightly different words, "the collective programming of the mind which distinguishes the members of one group or category of people from another." That said, we are interested here not in culture *per se* but specifically in legal culture: for present purposes we define legal culture as the collective habits of thought and action amongst legal opinion-makers – the lawyers, judges and academics in a particular legal system – as well as amongst those who use the legal system or are subjected to it. The legal culture of a jurisdiction is created by a great many different societal forces, such as historical accidents, political imperatives, appetite for change coupled with a degree of tolerance of uncertainty, and attitudes towards corruption. That culture, in turn, has a direct bearing on the substantive rules of law that emerge within the system. Here we use one aspect of legal culture, namely the culture of giving reasons in judgments, to investigate how legal culture shapes substantive law, specifically the law of unjust (or unjustified) enrichment. We consider the law of unjustified enrichment in two countries in particular, South Africa and France, with some reference also to the law of England and Germany.

- 6- **What is the passage mainly about?**
- 1) The collective programming of the mind and its distinguishing characteristics
 - 2) Legal culture and the way it shapes substantive law
 - 3) The learnt patterns of thinking and acting
 - 4) Hofstede's definition of culture
- 7- **The word "it" in line 9 refers to**
- 1) the legal culture
 - 2) the legal system
 - 3) thought
 - 4) action
- 8- **Which of the following has NOT been mentioned as a societal force?**
- 1) Unemployment rate
 - 2) Political imperatives
 - 3) Tolerance of uncertainty
 - 4) Attitudes towards corruption

- 9- The word “coupled” in line 11 means
- | | |
|-------------|---------------|
| 1) doubled | 2) associated |
| 3) combined | 4) enhanced |
- 10- Which of the following best shows the organization of the passage?
- 1) Moving from effect to cause supported by details
 - 2) Moving from cause to effect supported by an example
 - 3) Moving from differences to similarities supported by details
 - 4) Moving from general to specific supported by an example

Passage 3:

Opinion surveys have been conducted several times in different countries in attempts to ascertain public views on the relative seriousness of offences. It is not proposed to discuss all of them here, even though some have achieved considerable sophistication. The origin of modern surveys is the scale devised by Sellin and Wolfgang in 1964, which has been claimed to produce similar rankings when applied to subjects with different occupations and social standing and to subjects in different countries. We might focus on the results of the application of an improved version of their methodology to 500 citizens of London by Sparks, Genn and Dodd in the 1970s. The authors remarked that in general the ranking was “agreeably rational” and that there was, as most other researchers have found, “a broad concordance between the mean scores given by our sample” and the legal maxima.

The generality of this kind of survey raises difficulties if the results are used as a touchstone of relative gravity. These surveys are usually based on very brief descriptions of different types of offence, and no steps are taken to examine the network of assumptions and beliefs which underlie the way in which subjects approach the task of ranking.

- 11- Which of the following would be the best title for the passage?
- 1) The Legal Maxima and the Types of Offences
 - 2) Sellin and Wolfgang’s Views about Offence
 - 3) Opinions about Offence Seriousness
 - 4) Sellin and Wolfgang’s Methodology
- 12- The word “them” in paragraph 1 refers to
- | | |
|--------------------|------------------------|
| 1) opinion surveys | 2) attempts |
| 3) public views | 4) different countries |
- 13- Which of the following statements is true about Sellin and Wolfgang’s scale?
- 1) It does not work accurately when applied to subjects with different occupations.
 - 2) It gives inconsistent results when applied to people in different countries.
 - 3) Its modified version was used by Sparks et al. in a study in the 1970s.
 - 4) Sellin and Wolfgang applied it to 500 citizens of London.

- 14- Which of the following statements is true about the second paragraph?
- 1) It advocates the findings of the study reported in the first paragraph.
 - 2) It is a critique of opinion surveys when it comes to ranking offences.
 - 3) It provides further examples about the application of Sellin and Wolfgang's scale.
 - 4) It serves as a comprehensive summary of what was mentioned in the first paragraph.
- 15- The word "touchstone" in paragraph 2 is closest in meaning to
- 1) violation
 - 2) generation
 - 3) transference
 - 4) benchmark

Passage 4:

Registration of space objects is largely catered for by the Convention on the Registration of Objects Launched into Outer Space of 1975. When an object is launched into space, it should be registered on at least two of three registers. It should be entered on a register maintained by the state of launching as defined in the Registration Convention (Art. I). In addition, it should be entered on one of two registers maintained by the UN Office for Outer Space Affairs (OOSA), the first one a listing of launches provided to COPUOS under UN Res. 1721 (XVI) 1961, and the other maintained in terms of the Registration Convention itself. Internationally this last is the most important, allowing the identification of at least one of the states involved in the launch of a space object. It has other purposes, but this entry is important for grounding responsibility, for "ownership," for the exercise of control and in the worst case, for liability.

The concept of an official register for various purposes is old. In most countries, information as to the ownership of immoveable property is compiled on an official register. Many types of mobile property are similarly dealt with. Vehicles are registered (licensed), as are ships and airplanes. It was therefore not surprising that in Part B of UNGA Res. 1721 (XVI) of 20 December 1961 the General Assembly called on states to furnish information promptly to COPUOS "for the registration of launchings," and requested the Secretary General to maintain a public register of the information received, and this has been done.

- 16- What is the passage mainly about?
- 1) Registration of space objects
 - 2) Licensed status of vehicles
 - 3) Ownership of immoveable property
 - 4) Registration of mobile property
- 17- The word "it" in paragraph 1 refers to
- 1) launching
 - 2) the state
 - 3) a register
 - 4) an object
- 18- Internationally speaking, the most important register is the one
- 1) provided to COPUOS under UN Res. 1721 (XVI) 1961
 - 2) maintained in terms of the Registration Convention itself
 - 3) defined in the Registration Convention (Art. I)
 - 4) requested by the Secretary General