

	UČNI NAČRT PREDMETA/COURSE SYLLABUS
Predmet:	Upravno pravo
Course title	Administrative Law

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Upravljanje in poslovanje 2	Upravljanje in poslovanje	1.	2.
Business and Management 2	Business and Management	1 st	2 nd

Vrsta predmeta/Course type modularni/module

Univerzitetna koda predmeta/University course code

Predavanja Lectures	Seminar Seminar	Sem. vaje Tutorial	Lab. vaje Laboratory work	Teren. vaje Field work	Samost. delo Individ. work	ECTS
20		15				6

Nosilec predmeta/Lecturer: Izr. prof. dr. Franci Avsec

Jezik/ Languages:	Predavanja/Lectures:	slovenski/Slovenian
	Vaje/Tutorial:	slovenski/Slovenian

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti: **Prerequisites:**

<ul style="list-style-type: none"> • Pogoj za vključitev v delo je vpis v 1. letnik študijskega programa. • Študent mora pred izpitom pripraviti in predstaviti raziskovalno nalogo. 	<ul style="list-style-type: none"> • The condition for inclusion is entry in the first year of study. • Student has to prepare, present and defend a research paper before the exam.
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Vsebina:

Content (Syllabus outline):

<ul style="list-style-type: none"> • <i>Uvod:</i> Veliki pravni sistemi. Notranje (državno) in mednarodno pravo. Javno in zasebno pravo. Pozitivno pravo in naravno pravo. Civilno, kazensko in upravno pravo. • <i>Pojem in vsebina upravnega prava.</i> Sistem upravnega prava. Upravno materialno in upravno procesno pravo. Upravno pravo in druge pravne veje. Upravnoppravna znanost. Viri upravnega prava. Nastajanje upravnega prava EU. Značilnosti upravnega prava Sveta Evrope. • <i>Subjekti upravnopravnega razmerja in upravna organizacija.</i> Upravno-pravno razmerje. Javna oblast. Osebe javnega prava. Organizacija uprave. • <i>Upravne norme in upravni akti.</i> Pravni in 	<ul style="list-style-type: none"> • <i>Introduction:</i> Large legal systems. Internal (state) and international law. Public and private law. Positive law and natural law. Civil, criminal and administrative law. • <i>The concept and content of administrative law.</i> Administrative law system. Administrative material and administrative procedural law. Administrative law and other legal branches. Administrative science. Sources of administrative law. The emergence of EU administrative law. Characteristics of the Administrative Law of the Council of Europe. • <i>Entities of an administrative relationship and an administrative organization.</i> Administrative-legal relationship. Public
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<p>materialni akti uprave. Enostranski in dvostranski akti.</p> <p>a) Predpisi uprave. Pojem in značilnosti upravnega predpisa. Časovna in krajevna veljavnost. Spontani in nespontani akti. Izvršilna klavzula. Klasifikacija, hierarhija in vrste. Postopek sprejemanja predpisov.</p> <p>b) Individualni in konkretni pravni akti uprave (oblastni akti, akti poslovanja, interni akti, upravni akti). Pozitivni in negativni akti. Konstitutivni in deklarativni akti. Diskrecijski in pravno vezani akti. Napačni in nezakoniti upravni akti. Molk uprave. Sestavljeni akti. Odločbe in sklepi. Pogoji, modusi, roki in pridržek veljavnosti. Problem pravnomočnosti. Odpravljanje napak in nezakonitosti. Učinki odprave in razveljavitve ter ničnosti.</p> <p>c) Materialni (faktični) akti uprave oz. upravna dejanja. Dokumentiranje, evidence, potrdila, obveščanje, sprejemanje izjav, prisilna dejanja, splošna strokovna navodila, pisarniško poslovanje. Mešani pravni akti. Interne in eksterne pogodbe.</p> <ul style="list-style-type: none"> • <i>Načela upravnega delovanja.</i> Načelo zakonitosti upravnega delovanja. Načelo sorazmernosti. Načelo enakosti. Zanesljivost prava. Načelo delitve oblasti. • <i>Javne stvari.</i> Javno pooblastilo. Javni interes. Javni sektor. Upravna pogodba. • <i>Javno dobro.</i> Opredelitev javnega dobra. Naravno in grajeno javno dobro. • <i>Infrastrukturni objekti in naprave.</i> Lastnina oseb javnega prava. Razlastitev. Predkupna pravica. Rekvizicija. Nacionalizacija. Denacionalizacija. • <i>Nadzor dela uprave:</i> Formalni in neformalni nadzor. Nadzor nad zakonitostjo in nadzor nad primernostjo dela. Strokovni nadzor. • <i>Upravni nadzor.</i> Zunanji nadzor uprave. Nadzor od predstavniških organov. Politični nadzor. Sodni nadzor. Exceptio illegalis. • <i>Upravno procesno pravo in upravni spor.</i> ZUP - pojem upravnega postopka. Temeljna načela. Upravno sodstvo. Funkcija Upravnega sodišča, Vrhovnega sodišča in Ustavnega sodišča v postopku kontrole uprave. 	<p>authority. Public law entities. Organization of administration.</p> <ul style="list-style-type: none"> • Administrative norms and administrative acts. Legal and material acts of the administration. Unilateral and bilateral acts. <ul style="list-style-type: none"> a) Management regulations. Concept and characteristics of the administrative regulation. Time and local validity. Spontaneous and non-contractual acts. Executive clause. Classification, hierarchy and types. Procedure for adopting regulations. b) Individual and specific legal acts of the administration (governmental acts, acts of business, internal acts, administrative acts). Positive and negative acts. Constitutive and declarative acts. Discretionary and legally binding acts. Wrong and unlawful administrative acts. Silence of the administration. Compound acts. Decisions and decisions. Terms, modes, deadlines and validation. The problem of res judicata. Troubleshooting and illegality. Effects of cancellation and cancellation and invalidity. c) Material (factual) acts of the administration or administrative actions. Documentation, records, certificates, notification, acceptance of statements, compulsory acts, general professional instructions, office operations. Mixed legal acts. Internal and external contracts. • <i>Principles of administrative action.</i> Principle of the lawfulness of administrative action. Principle of proportionality. Principle of equality. Reliability of the law. The principle of power sharing. • <i>Public matters.</i> Public Authorization. Public interest. Public Sector. Administrative contract. • <i>Public good.</i> Definition of the public good. Natural and built public good. • <i>Infrastructure facilities and devices.</i> Ownership of public law entities. Expropriation. Preferential right. Requisition. Nationalization. Denationalization. • <i>Supervision of the work of the administration:</i> formal and informal supervision. Supervision of the legality and control of the suitability of work.
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	<p>Professional supervision.</p> <ul style="list-style-type: none"> • <i>Administrative control.</i> External control of the administration. Supervision from representative bodies. Political control. Judicial control. Exceptio illegalis. • <i>Administrative procedural law and administrative dispute.</i> ZUP - concept of administrative procedure. Basic principles. Administrative justice. Function of the Administrative Court, the Supreme Court and the Constitutional Court in the procedure of controlling the administration.
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Temeljna literatura in viri/Readings:

<ul style="list-style-type: none"> • Bučar, F. (1981). Upravljanje. Ljubljana: Cankarjeva založba. • Čebulj, J., M. Strmecki (2000). Upravno pravo. Ljubljana. • Dujić, S. (1996). Kontrolni mehanizmi za zagotavljanje zakonitosti upravnega odločanja. Javna uprava, let. 32, št. 4, str. 457-497. • Dujić, S. (2002). Položaj izvršilne funkcije oblasti v novi pravni ureditvi. V: Zbornik referatov, VIII. dnevi javnega prava, Portorož, št. 3, str. 105-142. • Godec, Horvat, Pirnat, Šturm, Trpin. (1993). Upravni zbornik. Ljubljana, str. 5-25, 155–277.

Cilji in kompetence:

<p><i>Učna enota prispeva predvsem k razvoju naslednjih splošnih in specifičnih kompetenc:</i></p> <ul style="list-style-type: none"> • poznavanje in razumevanje zgodovine razvoja uprave in upravnega prava, • razumevanje splošne strukture upravnih ved in upravnega prava ter povezanosti z ekonomijo, informatiko, institucionalnimi sistemi ter z različnimi drugimi vedami, • interdisciplinarno povezovanje upravnopravnih vsebin z ostalimi področji upravljanja in poslovanja, • razumevanje upravnih inštitutov ter njihova fleksibilna uporaba pri reševanju praktičnih problemov s področja upravljanja in poslovanja, • sposobnost umeščanja novih informacij in interpretacij v kontekst upravnih ved, • sposobnost za reševanje konkretnih delovnih problemov s področja upravnega prava v upravljanju in poslovanju, • celovito kritično mišljenje in sposobnost analize, sinteze in predvidevanja rešitev ter posledic problemov s področij upravnih, organizacijskih in drugih družbenih ved (interdisciplinarnost), • poglobljeno znanje s področja upravnega prava v upravljanju in poslovanju, • usposobljenost za predstavitev

Objectives and competences:

<p><i>The learning unit mainly contributes to the development of the following general and specific competences:</i></p> <ul style="list-style-type: none"> • knowledge and understanding of the history of administration development and administrative law, • understanding the general structure of administrative sciences and administrative law, as well as the connection with economics, information technology, institutional systems and various other disciplines, • interdisciplinary integration of administrative and legal content with other areas of management and business, • understanding of administrative institutes and their flexible use in solving practical problems in the field of management and business, • the ability to place new information and interpretations in the context of administrative sciences, • the ability to solve concrete work problems in the field of administrative law in management and business, • comprehensive critical thinking and the ability to analyze, synthesize and anticipate solutions and consequences of problems in the areas of administrative, organizational and other social sciences
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<p>pridobljenega temeljnega znanja v obliki projektne naloge.</p>	<p>(interdisciplinarity),</p> <ul style="list-style-type: none"> • in-depth knowledge in the field of administrative law in management and business, • the ability to present acquired knowledge in the form of a project task.
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Predvideni študijski rezultati:

Intended learning outcomes:

<p>Znanje in razumevanje: <i>Student/študentka:</i></p> <ul style="list-style-type: none"> • pozna in razume pomen razvoja upravnega prava in temeljnih institutov upravnega prava ter razmerje upravnega prava do drugih pravnih ved, in drugih znanstvenih disciplin, • pozna in razume organizacijski in institucionalni sistem države, • pozna najbistvenejše institute upravnega prava (s področja organizacije uprave, upravno-pravnih razmerij in mehanizmov kontrole uprave), • pozna osnovne značilnosti nastajajočega upravnega prava EU in Sveta Evrope, • pridobljeno znanje zna uporabiti v postopkih pred upravnimi in upravno-sodnimi državnimi organi, • izbere in reflektira gradiva iz drugih strokovnih disciplin in jih poveže s področjem upravnega prava, • v povezavi z drugimi predmeti pozna, razume in reflektira kompleksnost strokovnih in praktičnih aplikacij institutov upravnega prava, še posebej temeljnih pravnih institutov in pravnih sredstev s tega področja, • pozna in razume umeščenost tega strokovnega področja v širše družbene, kulturne in vrednotne kontekste ter z refleksijo teh kontekstov oblikuje intelektualno aktiven in profiliran odnos do sveta. 	<p>Knowledge and understanding: <i>Students:</i></p> <ul style="list-style-type: none"> • know and understand the importance of the development of administrative law, basic institutes of administrative law and the relationship of administrative law to other legal sciences and scientific disciplines, • know and understand the organizational and institutional system of the state, • are familiar with the most important institutes of administrative law (from the field of administration organization, administrative-legal relations and mechanisms of the administration control) • know the basic characteristics of the emerging administrative law of the EU and the Council of Europe, • can use the acquired knowledge in procedures before administrative and administrative-judicial state bodies, • select and reflect materials from other professional disciplines and link them with the field of administrative law, • in connection with other subjects, they know, understand, and reflect the complexity of professional and practical applications of institutes of administrative law, in particular the basic legal institutes and legal remedies in this field, • know and understand the placement of this field of expertise in wider social, cultural and value contexts and, through the reflection of these contexts, form an intellectually active and profiled attitude towards the world.
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Metode poučevanja in učenja:

Learning and teaching methods:

<ul style="list-style-type: none"> • <i>predavanja</i> z uporabo sodobnih metod prezentacije in aktivno udeležbo študentov (razlaga, diskusija, vprašanja, primeri), • individualne in skupinske <i>konzultacije</i> (diskusija, dodatna razlaga, obravnava) 	<ul style="list-style-type: none"> • <i>lectures</i> with active participation of students (explanation, discussion, questions, examples, problem solving); • <i>individual and group consultations</i> (discussion, further explanation, considering specific issues).
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specifičnih vprašanj).		
Načini ocenjevanja:	Delež (v %) Weight (v %)	Assessment:
<p>Način (pisni izpit, ustno spraševanje, naloge, projekt):</p> <ul style="list-style-type: none"> • 100 % udeležba na predavanjih in vajah, • uspešno opravljena projektna naloga s predstavitvijo in zagovorom. • Če študent ni 100 % udeležen na predavanjih in vajah, mora poleg projektne naloge opraviti tudi izpit: <ul style="list-style-type: none"> - izpit, - priprava, predstavitev in zagovor raziskovalne naloge. 	<p>100 %</p> <p>60 %</p> <p>40 %</p>	<p>Types (written examination, oral examination, coursework, project):</p> <ul style="list-style-type: none"> • 100 % attendance of lectures and tutorial, • successfully accomplished project assignment with presentation and defense. • If the student has not fully attended lectures and tutorial (100%), they have to prepare the project paper and take the exam: <ul style="list-style-type: none"> - exam, - preparation, presentation and defense of a research paper.