

PRIMERJALNO UPRAVNO PROCESNO PRAVO

UČNI NAČRT PREDMETA/COURSE SYLLABUS

Predmet:	Primerjalno upravno procesno pravo
Course title:	Comparative administrative procedural law
Članica nosilka/UL Member:	UL FU

Študijski programi in stopnja	Študijska smer	Letnik	Semestri	Izbirnost
Skupni doktorski študijski program UPRAVLJANJE IN EKONOMIKA JAVNEGA SEKTORJA , tretja stopnja, za pridobitev doktorata znanosti (od študijskega leta 2026/2027 dalje)	Ekonomski (modul)	2. letnik	Celoletni	izbirni
Skupni doktorski študijski program UPRAVLJANJE IN EKONOMIKA JAVNEGA SEKTORJA , tretja stopnja, za pridobitev doktorata znanosti (od študijskega leta 2026/2027 dalje)	Javno upravljanje (modul)	2. letnik	Celoletni	izbirni

Univerzitetna koda predmeta/University course code:	0060732
Koda učne enote na članici/UL Member course code:	3009

Predavanja /Lectures	Seminar /Seminar	Vaje /Tutorials	Klinične vaje /Clinical tutorials	Druge oblike študija /Other forms of study	Samostojno delo /Individual student work	ECTS
20	20	0	0	20	90	5

Nosilec predmeta/Lecturer:	prof. dr. Polonca Kovač
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Vrsta predmeta/Course type:	izbirni/elective course
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Jeziki/Languages:	Predavanja/Lectures:	Angleščina, Slovenščina
	Vaje/Tutorial:	

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:	Prerequisites:
Ni pogojev.	No conditions.

Vsebina:	Content (Syllabus outline):
1. Pojem in viri upravnega procesnega prava v okviru nad/nacionalnih pravnih redov in temeljne človekovih pravic ; vpliv ustavnega reda in tradicije ter modernizacija regulacije upravnega postopka v EU in širše	1. Administrative procedure law and its sources in supra/national legal systems and fundamental human rights ; he impact of the constitutional system and tradition and modernisation on administrative procedure law in EU and beyond.

2. Temeljni pravni akti in vsebina koncepta dobre uprave v Evropskem upravnem prostoru, vključno s trajnostjo 3. Pojem javnega interesa in upravne zadeve v nacionalnih pravnih redih, EU in v praksi ESČP, vrste aktov v sklopu veljave ZUP 4. Razmerje med splošno in področno regulacijo (subsidiarnost); avtonomija nacionalnega procesnega prava v EU 5. Temeljna načela upravnega postopka v pravnem redu in sodni praksi v EU in članic ter držav na območju bivše Jugoslavije 6. Upravni organi in uradne osebe v upravnem postopku – primerjava ureditev med izbranimi državami in v EU 7. Lastnost in položaj strank ter zastopstvo stranke 8. Pravila teka postopka – primerjava med izbranimi državami in EU, vključno z ADM, UI in digitalizacijo 9. Pravna sredstva v upravnih postopkih 10. Sodni nadzor nad zakonitostjo konkretnih upravnih aktov v pravu EU in izbranih državah 11. Odločanje v razumnem roku v upravnih zadevah 12. Alternativno reševanje sporov v upravnih zadevah in odprava administrativnih ovir, digitalizacija.	2. Key legal acts and content of good administration concept in European Administrative Space, including sustainability 3. The notion of public interest and administrative matters in national legal systems, in the EU law and ECtHR case law, types of acts under the scope of GAPA 4. The relation between general and sector-specific regulation (subsidiarity); autonomy of MS in the EU on procedural law 5. Fundamental principles of administrative procedure in the legal system and case law of the EU and its member states, and former Yugoslav republics 6. Fundamental Authorities and officials in administrative procedure – comparison between selected countries and within the EU 7. Locus standi of the parties, representation of the party 8. Rules governing the conduct of the procedure – comparison between selected countries and the EU, including ADM, AI and digitalisation 9. Legal remedies in administrative procedures 10. Judicial review over the legality of specific administrative acts in EU and selected countries 11. Reasonable time of decision-making in administrative matters 12. Alternative dispute resolution in administrative matters and cutting red tape, digitalisation.
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Temeljna literatura in viri/Readings:

1. Auby, Jean-Bernard (ur.) (2014, 2022): Codification of Administrative Procedure, Bruylant, Brussels. 2. Della Cananea, Giacinto, and Parona, Leonardo. 2024. "Administrative procedure acts in Europe: An emerging 'common core'?" <i>The American Journal of Comparative Law</i>. 72(2): 324-379. https://doi.org/10.1093/ajcl/avac016. 3. Diana-Urania GALETTA and Jacques ZILLER. EU administrative law. Cheltenham, UK ; Northampton, MA, USA : Edward Elgar Publishing, 2024, xvii, 282p. 4. BHarlow, Carol & Rawlings, Richard (2014): Process and Procedure in EU Administration, Hart, Oxford, Portland, Oregon. 5. Kovač, P., Jerovšek, T. (2023). <i>Upravni postopek in upravni spor</i>. Ljubljana: Fakulteta za upravo. 6. Sproti objavljena gradiva v spletni učilnici

Cilji in kompetence:

Cilji: • Študent spozna razvoj in pomen upravnega procesnega prava in ZUPov za delo v nacionalni in EU upravi, v sklopu dobre uprave, trajnostnosti in digitalizacije, • analizira in evalvira koncept dobre uprave, • podrobno analizira in evalvira posamezne ključne procesne institute v primerjalnem pravu, • aplicira in evalvira metode za samostojno raziskovanje in razvijanje novega znanja v interdisciplinarni in primerjalno pravni perspektivi. Kompetence:	Objectives and competences: Objectives: • Student gets to know development and Significance of APL and APAs in national and EU framework, within good administration, sustainability and digitalisation, • Analyses and evaluates good administration. • Analyses in depth and evaluates selected procedural institutes in comparative law. • Applies and evalates autonomus research work and new knowledge development in interdisciplinary and comparative legal context. Competences: • Undertsanding and ability to evaluate APL in supra- and national framework.
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- Razumevanje in spodobnost evalvacijo APL v nad- in nacionalnem okviru, - spodobnost kritičnega vrednotenja jedrnih področnih konceptov, - zmožnost avtonomnega reševanja zahtevnejših procesnih izzivov po načelih dobre uprave in trajnostnosti, - razvijanje metod raziskovanja in kritične refleksije v raziskovanju.	- Ability to critically evaluate core concepts in the field. - Ability to autonomously resolve complex issues based on good administration and sustainability principles. - Developing research methods and critical reflection in research work.
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Predvideni študijski rezultati:	Intended learning outcomes:
- Študentje znajo pojasniti in vrednotiti vlogo UPP in pravic dobre uprave v trajnostnem razvoju, - znajo kategorizirati in argumentirati tipe upravnih aktov in posledično pravno varstvo strank, - so sposobni razčleniti in primerjati trende in vire PUPP v EU, - znajo analizirati zahtevnejše procesne probleme in presoditi, katera načela se aplicira v teh situacijah, - so zmožni samostojnega kreativnega raziskovalnega dela na področju.	- Students know how to explain and assess the role of APL and rights of good administration in the sustainable development. - Are able to categorise and argue what are the types of administrative acts and consequential legal protection of parties. - Can analyse and compare fundamental APL principles in the EU. - Can analyse more complex procedural problems and judge, which principles to apply. - Are able to apply autonomous and creative research approaches in the area.

Metode poučevanja in učenja:	Learning and teaching methods:
- obvezna priprava in udeležba na predavanjih oz. konzultacijah, - problemsko učenje in naloga, - e-učenje.	- Obligatory preparation and participation at lectures or consultations. - Problem-based learning and assignment. - E-learning.

Načini ocenjevanja:	Delež/Weight	Assessment:
1. Aktivno sodelovanje	10,00 %	1. Active participation
2. problemsko učenje in naloga	40,00 %	2. Seminar assignment with presentation or scientific article/paper
3. Odprt pisni ali ustni izpit	50,00 %	3. Open-book written or oral exam

Ocenjevalna lestvica:	Grading system:
opravi z odliko/opravi/ni opravi	passed with distinction/passed/failed

Reference nosilca/Lecturer's references:
- Kovač, P. (2023). Administrative procedure as a tool for participatory and efficient public governance. V: Howlett, M. (ur.), The Routledge handbook of policy tools. Routledge, str. 413-425. - Kovač, P. (2022). Traditional and European oriented principles in the codification of administrative procedures in CEE. <i>HKJU</i>, letnik 22, št. 1, str. 9-36. - Kovač, P. (2020). Kodifikacija upravnega postopka v Sloveniji in EU, <i>Teorija in praksa</i>, let. 57, št. 3, str. 848-866. - KOVAČ, Polonca, BABŠEK, Matej, ARISTOVNIK, Aleksander. The artificial intelligence act between the EU and national levels : the Slovenian case study. <i>Hrvatska i komparativna javna uprava : časopis za teoriju i praksu javne uprave</i>. 2025, god. 25, br. 3, str. 481-504, DOI: 10.31297/hkju.25.3.6. - KOVAČ, Polonca. Redefining administrative procedure codification in the context of sustainable development. V: DURET, Paolo (ur.), LIGUGNANA, Giovanna (ur.). <i>Administrative action facing sustainable development</i>. Napoli: Edizioni scientifiche italiane, 2024. Str. 29-53. Collana del Dipartimento di scienze giuridiche dell'Università di Verona, 55