

UPRAVNI POSTOPEK IN UPRAVNI SPOR

UČNI NAČRT PREDMETA/COURSE SYLLABUS

Predmet:	UPRAVNI POSTOPEK IN UPRAVNI SPOR
Course title:	ADMINISTRATIVE PROCEDURE AND ADMINISTRATIVE DISPUTE
Članica nosilka/UL Member:	UL FU

Študijski programi in stopnja (ni študijev)	Študijska smer	Letnik	Semestri	Izbirnost
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Univerzitetna koda predmeta/University course code:	0045589
Koda učne enote na članici/UL Member course code:	0870

Predavanja /Lectures	Seminar /Seminar	Vaje /Tutorials	Klinične vaje /Clinical tutorials	Druge oblike študija /Other forms of study	Samostojno delo /Individual student work	ECTS
45	0	30	0	15	90	6

Nosilec predmeta/Lecturer:	Polonca Kovač
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Vrsta predmeta/Course type:	obvezni/core
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Jeziki/Languages:	Predavanja/Lectures:	Slovenščina
	Vaje/Tutorial:	Slovenščina

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

Vsebina:

- Umestitev upravnega procesnega prava in upravnih postopkov v trajnostnem razvoju družbe V RS in EU ter globalno.
- Pojem upravne zadeve in javnega interesa. Subsidiarna in smiselna raba ZUP.
- Temeljna načela ZUP kot standardi, zlasti zakonitost in participacija udeležencev.
- Avtomatizirano upravno odločanje in uporaba umetne inteligence v upravnih postopkih
- Udeleženci postopka. Pristojnost. Stranke po status in položaju, zastopanje, drugi udeleženci.
- Komuniciranje med organi in strankami ter drugimi udeleženci: jezik, vloga, vabilo, zapisnik, vročanje; digitalizacija.
- Pravica do pregleda dokumentov in informacij javnega značaja. Vrste in tek rokov. Vrnitev v prejšnje stanje. Red v postopku. Stroški postopka.

Content (Syllabus outline):

- Categorisation of administrative procedural law in the sustainable development of society in RS, EU and globally.
- Notion of administrative matter and public interest. Use of GAPA – subsidiary, mutatis mutandis.
- Basic principles as procedural standards, particularly legality and participation.
- Automated administrative decision-making and usage of AI in administrative procedures
- Participants in proceedings. Jurisprudence. Parties (status and position), representatives et al.
- Communication between authorities, parties and other participants: language, application, summon, minutes, delivery; digitalisation. Right to access one's own file and information of public character.

8. Postopek na prvi stopnji: začetek, ugotovitveni in dokazni postopek.	7. Categories and current of deadlines, restitutio in integrum. Order. Costs.
9. Odločbe in sklepi: vrste, sestavine, značilnosti, dokončnost in pravnomočnost.	8. Proceedings at first instance: initiation, fact establishing and evidence giving.
10. Pravna sredstva. Pritožba in izredna pravna sredstva.	9. Decisions and conclusions: types, elements, characteristics, completeness, finality.
11. Izvršba, izvršljivost, vrste izvršbe, izvršilni organi, sredstva in načini izvršbe. Upravna inšpekcija.	10. Legal remedies. Appeal and extraordinary remedies.
12. Upravni in socialni spor. Ustavnosodno varstvo v upravnih zadevah. Varstvo pred ESČP/SEU.	11. Execution, executability, types of execution, jurisdiction, measures. Administrative inspection.
	12. Administrative and social dispute. Constitutional protection EctHR and CJEU.

Temeljna literatura in viri/Readings:

1. Kovač, P. in Jerovšek, T. (2023): Upravni postopek in upravni spor, Fakulteta za upravo, Ljubljana.
2. Kovač, P. et al. (2023). Praktikum za upravni postopek in upravni spor. Ljubljana: Fakulteta za upravo.
3. Hofmann, H.C.H et al. (2014): ReNEUAL Model Rules on EU Administrative Procedure, http://www.reneual.eu/images/Home/ReNEUAL-Model_Rules-Compilation_BooksI_VI_2014-09-0pdf
4. Kovač, P. (2020). Kodifikacija upravnega postopka v Sloveniji in EU, Teorija in praksa, let. 57, št. 2, https://www.fdv.uni-lj.si/revije/znanstvene-revije/teorija-in-praksa
5. Gradiva gostujočih predavateljev v spletni učilnici in portal Upravna svetovalnica. Ljubljana: Fakulteta za upravo: Ministrstvo za javno upravo, http://www.fu.uni-lj.si/mediawiki/index.php?title=Glavna_stran .

Cilji in kompetence:

Cilji: Študent: - Pozna temeljne procesne institute po ZUP - analizira različne življenjske situacije iz upravnih razmerij tako, da vzpostavi upravni postopek kot demokratično orodje, ki izvršilni oblasti preprečuje samovoljo in omogoča participativno demokracijo, - spozna in nadalje analizira sistem pravnega nadzora nad zakonitostjo posamičnih upravnih aktov, - samostojno razčleni dovoljeno procesno odločanje v določeni procesni situaciji, - v medpredmetni povezavi poglobljeno aplicira teorijo, primerja in analizira izbrane institute. Kompetence: - poznavanje in razumevanje temeljev procesnega upravnega prava, - razumevanje in analiza posameznih procesnih institutov, - zmožnost reševanja enostavnejših procesnih situacij, - sposobnost komuniciranja v strokovnem jeziku in zavezanost profesionalni etiki.

Objectives and competences:

Objectives: Student gets to: - Knows basic procedural institutes by GAPA. - Analyse individual life events on the basis of an administrative procedure as a democratic tool, limiting arbitrary authority and enabling participatory democracy. - Knows and understands legal protection related to legality of individual administrative acts. - Understand and analyses lawful legal procedural decision-making in individual situation. - Within cooperation between subjects/courses applies theory, compares and analyses selected institutes in depth. Competences: - Knowing and understanding fundamentals of administrative procedural law. - Understanding and analysing selected procedural institutes. - Ability to resolve less complex procedural situations. - Ability to communicate in professional language in mother tongue and English and (develops) commitment to administrative ethics.
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Predvideni študijski rezultati:

- študent zna uporabiti teoretično znanje v praksi, - razume in vrednoti temeljna načela in pravila ZUP, vezano na določene življenjske situacije, - je usposobljen za reševanje lažjih in srednje zahtevnih upravnoprocesnih problemov,
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Intended learning outcomes:

- Student is able to apply theoretical knowledge in practice. - Understands and is able to apply the GAPA fundamental principles and rules of administrative procedural law in concrete life situations.

zna uporabljati temeljne pojme snovi v strokovnem, maternem in angleškem jeziku.	- Is capable of resolving easier and moderate complex procedural problems. - Is able to apply professional terminology in mother tongue and English.
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Metode poučevanja in učenja:	Learning and teaching methods:
- obvezna priprava in udeležba na predavanjih, - obvezna priprava na in udeležba na vaja, - problemsko učenje in medpredmetno sodelovanje, - gostujoče predavanje iz prakse.	- Obligatory preparation and participation at lectures. - Obligatory preparation and participation at exercises. - Problem-based learning and intracurriculum cooperation. - Guest lectures from practice.

Načini ocenjevanja:	Delež/Weight	Assessment:
1. Aktivno sodelovanje (predavanja, e-učilnica)	10,00 %	1. Active participation (lectures, e-classroom)
2. Medsemestrski kolokvij	20,00 %	2. Mid-term colloquium
3. Odprt pisni ali ustni izpit	70,00 %	3. Open-book written or oral exam

Ocenjevalna lestvica:	Grading system:
5 - 10, pri čemer velja, da je pozitivna ocena od 6 - 10	5 - 10, a student passes the exam if he is graded from 6 to 10

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., Jerovšek, T. (2023). Upravni postopek in upravni spor. Fakulteta za upravo. - Kovač, P., Kerševan, R. (ur.) (2020, 2022). Komentar ZUP, Uradni list RS in PF UL. - 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. - Dragos, D.C., Kovač, P., Tolsma, H.D. (2020). The Sound of Silence in European Administrative Law. Palgrave Macmillan. - RUDOLF, Grega, KOVAČ, Polonca. The role of automated decision-making in modern administrative law : challenges and data protection implications. <i>Central European public administration review</i>. November 2024, vol. 22, iss. 2, str. 83-108, 255-256, ilustr. ISSN 2591-2240. https://journals.uni-lj.si/CEPAR/article/view/21290, https://journals.uni-lj.si/CEPAR/issue/view/1354/1037, Repozitorij Univerze v Ljubljani – RUL, DOI: 10.17573/cepar.2024.2.04. [COBISS.SI-ID 218434563]