

UPRAVNO PRAVO IN JAVNA UPRAVA

UČNI NAČRT PREDMETA/COURSE SYLLABUS

Predmet:	UPRAVNO PRAVO IN JAVNA UPRAVA
Course title:	ADMINISTRATIVE LAW AND PUBLIC ADMINISTRATION
Članica nosilka/UL	UL FU
Member:	

Študijski programi in stopnja	Študijska smer	Letnik	Semestri	Izbirnost
Uprava, prva stopnja, visokošolski strokovni	Uprava (študijski program)	1. letnik	2. semester	obvezen

Univerzitetna koda predmeta/University course code:	0060878
Koda učne enote na članici/UL Member course code:	1607

Predavanja /Lectures	Seminar /Seminar	Vaje /Tutorials	Klinične vaje /Clinical tutorials	Druge oblike študija /Other forms of study	Samostojno delo /Individual student work	ECTS
45		30		45	60	6

Nosilec predmeta/Lecturer:	Mirko Pečarič
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Vrsta predmeta/Course type:	Obvezni/Core
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Jeziki/Languages:	Predavanja/Lectures:	Angleščina, Slovenščina
	Vaje/Tutorial:	Angleščina, Slovenščina

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

Vsebina:	Content (Syllabus outline):
<ol style="list-style-type: none"> Upravno pravo in z njim povezani pojmi (upravna znanost, uprava, upravljanje) Upravno pravo kot pravna disciplina (predmet upravnega prava; razmerje upravnega prava do drugih pravnih panog) Razvoj vede o upravi in nastanek upravnega prava Upravnopravno razmerje, norme in upravnopravni akti (pojem in vrste norm, aktov državne oblasti, ločevanje od političnih aktov države) Ovisnost in skladnost pravnih norm in pravnih aktov ter vrste in posledice neskladnosti Izjeme od načela zakonitosti Upravni posegi države v človekove pravice in temeljne svoboščine Odgovornost za škodo, ki nastane v zvezi z upravno dejavnostjo države 	<ol style="list-style-type: none"> Administrative law and related concepts (administrative science, management, governance) Administrative law as a legal discipline (the subject of administrative law, relation of administrative law to other legal branches) A development of the science of administration and a formation of administrative law Administrative relation, norms and administrative acts (the concept and types of norms and acts of government, separation from political acts of the state) Dependence of administrative norms legal acts and the nature and consequences of non-compliance Exceptions to the principle of legality Administrative intervention in human rights and fundamental freedoms

<p>9. Lastnina in upravno pravo 10. Transparentnost delovanja oblasti 11. Nadzor uprave 12. Modernizacija javne uprave v Sloveniji</p>	<p>8. Liability for damages incurred in connection with the administrative activity of the state 9. Property and administrative law. 10. Transparency of state actions 11. Control of public administration 12. Modernisation of public administration in Slovenia</p>
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Temeljna literatura in viri/Readings:

- Pečarič, M. Osnove splošnega upravnega prava. Fakulteta za upravo, Ljubljana, 2015.
- Šturm, L: Omejitev oblasti, Nova revija, Ljubljana, 1998, str. 33–53, 149–245.
- Craig, P. Administrative Law, John Wiley & Sons, London, 1993, do str. 60.
- Braibant, G. Administrativno pravo Francuske. Beograd: Službeni list SRJ; Podgorica: CID, 2002.
- Materialni predpisi s področja javne uprave.

Cilji in kompetence:

Cilji

- Študent razlikuje med osnovami splošnega in posebnega dela upravnega prava in njihovimi temeljnimi instituti v povezavi z javno upravo
- Študent zna reševati vprašanja, povezana z nastankom in uporabo upravnopravnih norm pri urejanju upravnopravnih razmerij na abstraktni in konkretni ravni
- Študent prepozna vprašanja, ki so pomembna za pravno pravilno in zakonito delo uprave na državni in lokalni ravni

Kompetence

- Študent lahko strokovno izraža svoja mnenja glede vsakdanjih zadev in ravnanj s področja upravnega prava, upravnih institucij in splošne javne uprave
- Študent obvladuje temeljne zakonitosti in tehnike upravnopravnega delovanja uprave v razmerju do ravnanj brez neposrednega pravnega učinka
- Student je sposoben pridobivanja informacij za oblikovanje potrebnih normativnih rešitev
- Student je sposoben ovrednotiti podatke s področja upravnega prava v luči družbenih, strokovnih in etičnih vidikov

Objectives and competences:

Objectives

- Student distinguish between the fundamentals of general and special part of administrative law and its basic institutes in connection with public administration
- Students are able to solve issues associated with the creation and use of administrative norms in the regulation of administrative relationships at the abstract and concrete level
- Students identify the issues that are important for proper legal and legitimate work of management at the national and local level

Competences

- Students can express their professional opinions on everyday issues and practices in the field of administrative law, administrative institutions, and overall public administration
- Student masters the fundamental concepts and techniques of administrative law vis-a-vis the non-legal actions of public administration
- Student is able to obtain information to create the necessary legislative solution
- Student is able to evaluate the data in the field of administrative law in the light of social, professional and ethical aspects

Predvideni študijski rezultati:

Student:

- je usposobljen za prepoznavanje in razumevanje splošnega in posebnega dela upravnega prava,
- je zmožen razumeti pomembnost razmerja med posameznikom in državo (upravo)
- zna pojasniti zakonitosti poseganja v pravice in obveznosti v razmerju do javnega interesa
- je sposoben reševanja upravnih in drugih javnih zadev,
- zna ločevati področja, ki sodijo ali bi morala soditi na področje upravnega prava

Intended learning outcomes:

Student:

- is trained to identify and understand the general and special part of administrative law
- is also able to understand the importance of the relationship between the individual and the state (government)
- knows how to explain the basic rules of intrusion into rights and obligations vis-à-vis public interest
- knows how to resolve administrative and other public matters,
- can identify fields that fit or should fit into the area of administrative law

Metode poučevanja in učenja:

1. Predavanja,
2. Vaje
3. Študija primera
4. E-Učenje
5. Skupinska predstavitev

Learning and teaching methods:

1. Lectures,
2. Practical Work
3. Case Study
4. E-Learning
5. Group presentation

Načini ocenjevanja:

1. Pisni ali ustni izpit

Delež/Weight

100,00 %

1. Written or oral exam

Reference nosilca/Lecturer's references:

- PEČARIČ, M. An old absolutist amending clause as the 'new' instrument of delegated legislation. The theory and practice of legislation, ISSN 2050-8840, 2016, vol. 4, no. 1, str. 1-26.
- PEČARIČ, M. Universal capacity to generalise legal principles by combining reason, logic, morals and their counterparts. *The theory and practice of legislation*, 2015, vol. 3, iss. 1, str. 1-22.
- PEČARIČ, M. Canons of interpretation as substitutes of causation in the public administration's rulemaking. *Lex localis - Journal of Local Self Government*, Annual Conference 2015 - Bled/Slovenia (June 11 - June 12, 2015) : special issue, (Lex localis, Vol. 13, no. 3, 2015), str. 453-483.
- PEČARIČ, M. The public administration viewed from the reflective public servants. Public administration research, ISSN 1927-517X, nov. 2013, vol. 2, no. 2, str. 250-266.
- PEČARIČ, M., BUGARIČ, B. (2011). *Javne službe*. Fakulteta za upravo, Ljubljana.
- PEČARIČ, M. (2009). Akti vladanja in upravní akti - ločnica v zakonu, megla v praksi. Javna uprava. Letn. 45, št. 4, str. 89-120.