

Administrative Law

Code: 101121
ECTS Credits: 6

Degree	Type	Year	Semester
2500259 Political Science and Public Management.	OT	3	2
2500259 Political Science and Public Management.	OT	4	0

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Use of Languages

Principal working language: spanish (spa)
Some groups entirely in English: No
Some groups entirely in Catalan: No
Some groups entirely in Spanish: Yes

Prerequisites

There is no need for a pre-requisite to take the class.

Objectives and Contextualisation

The objectives of the subject are to know the administrative legal system, the functioning of the Public Administration and the administrative procedure.

Competences

- Political Science and Public Management.
- Demonstrating good writing skills in different contexts.
- Distinguishing the discipline's main theories and different fields: conceptual developments, theoretical frameworks and theoretical approaches underlying the discipline's knowledge and different areas and sub-areas, as well as their value for the professional practice through concrete cases.
- Identifying sources of data and conducting bibliographic and documentary searches.
- Managing the available time in order to accomplish the established objectives and fulfil the intended task.
- Working autonomously.
- Working in teams and networking, particularly in interdisciplinary conditions.

Learning Outcomes

1. Assessing the impact of the inter-administrative relationships.
2. Critically analysing and assessing the legal elements of the relations between the political power and its citizens and generally, in the political processes.
3. Defining the concepts of act, activity, procedure, resources and administrative guarantees.
4. Demonstrating good writing skills in different contexts.
5. Describing and assessing the working of the administrative organization principles.
6. Explaining the concept and sources of the Administrative Law, as well as the laws and regulations.

7. Explaining the concept of Constitution and basic constitutional principles and the State of Law and social and democratic state principles.
8. Identifying sources of data and conducting bibliographic and documentary searches.
9. Managing the available time in order to accomplish the established objectives and fulfil the intended task.
10. Working autonomously.
11. Working in teams and networking, particularly in interdisciplinary conditions.

Content

I- PUBLIC ADMINISTRATION AND ADMINISTRATIVE LAW

ITEM 1. Concept of administrative law.

II - LEGAL ADMINISTRATIVE ORDINANCE

ITEM 1. Administrative law as a legal system.

UNIT 2. The law. Headlines of the legislative power. Classes of laws. Organic Laws and Ordinary Laws. Government regulations with force of law: Decrees-laws and Decrees-Legislative.

SUBJECT 3. The Regulation. Concept and justification of regulatory power. Regulations and administrative acts. Classes of Regulations: executives, independent and of need.

SUBJECT 4. The relations between the law and the regulation. Formal reservation and material reservation of the law.

III. THE ADMINISTRATIVE ORGANIZATION

ITEM 1. Principles of the administrative organization. Organizational power.

ITEM 2. Types of public administrations.

IV. THE LEGAL POSITION OF ADMINISTRATION AND ADMINISTRATIVE ACTION

ITEM 1. The principle of legality of the Administration. The administrative powers. Regulated powers and discretionary powers. Techniques of reduction and control of administrative discretion.

ITEM 2. The administrative act. Concept Classes. Effectiveness of administrative acts. Validity and invalidity of administrative acts. The Administrative Silence. The forced execution of administrative acts. Compulsory means of execution: constraint on heritage, subsidiary execution, coercive fine and compulsion on people.

ITEM 3. The administrative procedure. The structure of the administrative procedure. Initiation: ex officio and at the request of a party. The instruction: allegations and processing of public information, reports, tests and proceedings for the hearing, examination of the file. Completion of the procedure. The resolution. Type of completion, in particular, the conventional finalization.

ITEM 4. Administrative resources. concept and general principles. Resource classes.

V. ADMINISTRATIVE ACTIVITY:

UNIT 1: Administrative activity and promotion; of provision of public services and of limitation.

VI. THE GLOBALIZATION OF ADMINISTRATIVE LAW

UNIT 1. Between Europeanization and Americanization: The Catholic and Protestant religious influence in European and American law. The State and the Administration: centralist versus federal. The administrocentric system against the individual-centric system. The most relevant law and administration in Spain: The law and the military Administration. The US, with more market and less regulatory status, to the progressive construction of an administrative and regulatory state: Lincoln and the regulation of anti-slavery rights. The first great wave of President Wilson. The second great regulatory wave of the Roosevelt Presidency. The progressive construction of a singular administrative state: the independent administrative agencies. The third big regulatory wave: Community activism as pressure and regulatory source: The revolution of rights: civil, labor, and mediation. The consecration of a fundamental human right: Citizens' right to know and access information. The society of risk and the regulation and prevention of risks and human security. Transparency and anti-corruption law. The social responsibility of the company and the role of the "officer" as a supervisor of the general interest. The regulation through litigation. The regulation through the information. The regulation through the revelation. The California effect and EU effect. to global regularization. The EU, a new empire? The regulatory empire or the rule of law in the world?

Methodology

At the beginning of the course, the teacher will determine the specification and scheduling of each of these theoretical and practical sessions.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Theoretical classes	52.5	2.1	2, 1, 5
Type: Supervised			
Practical classes	12.5	0.5	2, 1, 4, 7, 6, 9, 11
Type: Autonomous			
Case studies and preparation cases	47	1.88	2, 1, 3, 4, 5, 8, 10
Different readings and study	18	0.72	2, 3, 7, 6, 10

Assessment

The evaluation of the subject follows the continuous improvement method that is divided into two parts. The theoretical part, which accounts for 60% of the mark and the practical part that represents 40% of the mark. The theoretical part will be evaluated by means of two different types of tests.

The practical part will be evaluated through the delivery of different practical cases, which will consist of bibliographical readings and resolution of practical cases.

The delivery of the practices out of time will not be subject to evaluation.

In order to be eligible for re-evaluation, it will be necessary to have obtained a minimum grade of 3. The mark obtained in the re-evaluation test will be a maximum of 5.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Practical test	40%	10	0.4	2, 4, 7, 6, 9, 10, 11
Theoretical test	30%	5	0.2	1, 3, 5, 7, 6, 8
Theoretical test	30%	5	0.2	1, 3, 5, 7, 6, 8

Bibliography

Compulsory reading

1) Ballbé, M., "El futuro del derecho administrativo en la globalización: entre la americanización y la europeización", en *Revista de Administración Pública*, nº 147.

Recommendations:

2) Bermejo Vera, J., *Derecho Administrativo básico*, Vol. I y II, ed. Civitas, 2016, 12ª ed.

3) Cosculluela Montaner, L., *Manual de derecho administrativo*, Vol. I y II, ed. Civitas, 2017, 28ª ed.

4) Esteve Pardo, J., *Lecciones de derecho administrativo*, ed. Marcial Pons, 2018, 7ª ed.

5) Fuentes Gasó, JR i Gifreu Font, J. (dirs.), *Esquemas de procedimiento administrativo*, Tomo IX, Tirant lo Blanch, 2012, 2a. edición.

- 6) Gamero Casado, E., Fernández Ramos, S., *Manual Básico de Derecho Administrativo*, Tecnos, 2017, 14 edición.
- 7) Parada Vázquez, J.R.: *Derecho administrativo*, T. I y II, ed. Académicas, Madrid, 2017, 26ª ed i 23ª ed.
- 8) Sánchez Morón, M., *Derecho administrativo, Parte General*, ed. Tecnos, Madrid, 2017, 13 ed.
- 9) Trayter Jiménez. J.M., *Derecho administrativo. Parte general*, Atelier, 2017, 3 edición.