

Administrative Law I

Code: 102276
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	FB	2	1

Contact

Name: Marta Franch Saguer
Email: Marta.Franch@uab.cat

Use of Languages

Principal working language: catalan (cat)
Some groups entirely in English: No
Some groups entirely in Catalan: Yes
Some groups entirely in Spanish: Yes

Teachers

Manuel Ballbé Mallol
Marta Franch Saguer
Antoni Milian Massana
Isabel Pont Castejón
Ramon Jordi Moles Plaza
Roser Martínez Quirante

Prerequisites

No prerequisites need be met.

Objectives and Contextualisation

Deepening the birth of the right to administrative, sources and legal configuration of the public sector.

Competences

- Contextualizing the several forms of creation of law in its historical evolution and its current situation.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Drawing up and formalising works, reports, documents, rulings.
- Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Managing bibliographic and documentary resources: databases, browsing, etc.
- Students must be capable of communicating their points of view in a compelling way.
- Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Learning Outcomes

1. Applying the administrative standards and principles to a concrete case.
2. Defining the basic and general principles of the administrative legal system, as well as the administrative standards.
3. Defining the evolution of the Administrative Law.
4. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
5. Distinguishing the current state of Administrative Law, its institutions, standards and implementations.
6. Drawing up and formalising works, reports, documents, rulings.
7. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
8. Managing bibliographic and documentary resources: databases, browsing, etc.
9. Students must be capable of communicating their points of view in a compelling way.
10. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Content

i - THE ADMINISTRATION LEGAL ORDER

T E M A 1

Origin and evolution of administrative law. Concept. The statutory nature of administrative law. Content and characteristics of administrative law. Right to privileges and guarantees. Administrative law and private law: the instrumental nature of the public administration's use of private law.

T E M A 2

Administrative law as a legal system: law, custom and general principles of law. The value of the jurisprudence. The Constitution as a legal norm. European law as part of the domestic legal order.

The law. Law classes. Government regulations with the force of law: Decree-laws and Legislative Decrees. The control of the excesses of the delegation.

T E M A 3

The state and autonomic order. Significance and scope of the political autonomy of the autonomous communities. The concurrence regulations between the State and the Autonomous Communities. Basic rules and implementing rules.

Autonomous execution of State legislation. Coordination and cooperation between the two systems. Conflicts of jurisdiction

T E M A 4

The Rules of Procedure. Concept and justification of regulatory power. Regulations and administrative acts. Classes of regulations. Procedure for drafting regulations. Transparency and public participation. The inderogability of the regulations. The limits of the regulations and their control.

II. THE ADMINISTRATIVE ORGANISATION AND THE PUBLIC SECTOR

T E M A 5

Principles of the administrative organisation and of the action and functioning of the public sector. The power organizational. Administrative units and administrative bodies. Types of organs. The competence of the organs. Delegation, lawyer, management assignment, delegation of signature and substitution. The relationships

interadministrative. Conflicts of jurisdiction.

TEMA 6

The General State Administration. Principles and structure. Territorial organization. The Administration of the Autonomous Communities. Principles and structure. Territorial organization. The Local Administration. Local autonomy.

Typology of local entities.

TEMA 7

The institutional public sector. Characterization and general problems. General principles of action. Typology. The

state, regional and local institutional public sector. Corporate governance, especially schools

and the official cameras. The Consultative and Control Administration. The Council of State. The Commission shall

Legal Advisor.

III... THE LEGAL STATUS OF THE ADMINISTRATION

TEMA 8

The principle of legality of the Administration. Administrative powers. Regulated powers and powers discretionary. Techniques for reducing and controlling administrative discretion.

IV. THE GLOBALIZATION OF ECONOMIC ADMINISTRATIVE LAW (Part of the ADE+Derecho Program)

Global Economic Administrative Law: between Europeanization and Americanization. The paradox of deregulation'.

Administrative law as the key to solving the economic, banking and financial crisis.

Methodology

At the beginning of the course, the teacher of each group will determine, through a virtual campus or explanation in class, the specification and scheduling of each of these theoretical and practical sessions.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Practical classes	22.5	0.9	1, 9, 4, 5, 7, 8, 6, 10
Theoretical classes	22.5	0.9	2, 3, 5
Type: Autonomous			
Different readings: articles, jurisprudence ...	28	1.12	1, 9, 4, 6

Preparation, writing and presentation of different activities	23	0.92	1, 9, 4, 5, 7, 8, 6, 10
study	44	1.76	1, 2, 3, 5

Assessment

The evaluation model is continuous and has the training objective that students and teachers can know the degree of achievement of the competencies to guide the training process. The practical activities carried out throughout the course will mean 20% of the final mark. There will be two partial exams and will count 40% of the mark. At the beginning of the course the professor responsible for the subject will inform the students of all the practical activities that will be carried out throughout the course. Each teacher responsible at the beginning of the course will inform the students of the type of exam (test, short questions, ...) as well as if it is necessary to approve the two parts to pass the subject.

It will also inform about the conditions to be able to access the re-evaluation. In each teaching group, they will be published on the Virtual Campus, before the beginning of the teaching, the specific date or the week of realization of the evaluable activities, without prejudice that, exceptionally and due to causes of force majeure, they can, with notice and sufficiently in advance, be modified.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
First partial exam	40%	2.5	0.1	1, 2, 3, 4, 5, 10
Second partial exam	40%	2.5	0.1	1, 2, 3, 4, 5, 7
practical cases	20%	5	0.2	1, 9, 2, 4, 8, 6, 10

Bibliography

amero, Eduardo, Fernández, Severiano: "Manual básico de derecho administrativo". Ed. Tecnos, 2018.

García de Enterría, Eduardo y Fernández, Tomás Ramón: Curso de derecho administrativo, Ed. Civitas. Madrid, 2017.

Parejo Alfonso, Luciano: Lecciones de Derecho administrativo, Ed. Tirant lo Blanch. València, 2018.

Sánchez Morón, Miguel: Derecho administrativo: parte general. Ed. Tecnos. Madrid, 2017

Santamaria Pastor, Juan: Principios del Derecho administrativo general. Tomo II, Ed lustel, 2018.

Trayter, Joan Manel; Derecho administrativo . Parte general. Ed Atelier, 2017