

Administrative Law

Code: 100520
ECTS Credits: 6

| Degree | Type | Year | Semester |
|--------------------------|------|------|----------|
| 2500258 Labour Relations | OB | 2 | 1 |

The proposed teaching and assessment methodology that appear in the guide may be subject to changes as a result of the restrictions to face-to-face class attendance imposed by the health authorities.

Contact

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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: No

Prerequisites

There are no prerequisites.

Objectives and Contextualisation

Understand the legal system - administrative, administrative organization, action and activity of the administration, rights of administrators, administrative procedures, administrative appeals, Administration's responsibility, contentious-administrative jurisdiction and the rol of civil servants, among other questions.

Competences

- Applying the information and communication technologies to the different areas of action.
- Clearly expressing ideas or facts in a compelling way.
- Drawing up and formalising reports and documents.
- Identify the foundations of the main legal and organisational areas in the field of human work.
- Identifying, analysing and solving complex problems and situations from an (economic, historical, legal, psychological, and sociological) interdisciplinary perspective.
- Organising and managing the available time.
- Preparing, drawing up and formalising the general written documents in administrative and judicial processes.
- Recognising the issues related to labour market, social security, and the implementation of legislation and jurisprudential criteria to the assumptions shown in practice.
- Technically representing the people or entities of the administrative, fiscal, and procedural fields, and also of defence in labour courts.
- Working autonomously.
- Working effectively in teams.

Learning Outcomes

1. Applying the information and communication technologies to the different areas of action.
2. Clearly expressing ideas or facts in a compelling way.

3. Defining the contentious administrative proceeding.
4. Drawing up and formalising reports and documents.
5. Enumerating the public corruption control and prevention bodies.
6. Identifying the forms and proceedings of regulation and public ethics management.
7. Identifying the foundations of the Administrative Law: Administrative Law and public administrations.
8. Knowing the administrative act and proceedings and solving the legal-administrative problems derived from the administrative activity.
9. Organising and managing the available time.
10. Preparing documents of implementation of Administrative Law. Detecting incompatibility and conflicts of interest.
11. Preparing documents of implementation of Financial and Tax Law in the business and professional activities.
12. Solving the problems related to the implementation of the administrative regulation. Knowing the resorts to administrative jurisdiction.
13. Working autonomously.
14. Working effectively in teams.

Content

A.- THE LEGAL-ADMINISTRATIVE ORDINANCE AND THE ADMINISTRATIVE ORGANIZATION

Item 1.- Origin and evolution of Administrative Law. Concept. The statutory nature of Administrative Law. Content and features of Administrative Law. Law of privileges and guarantees.

Item 2.- Principles of the administrative organization and the performance and operation of the public sector. The principle of legality of the Administration. Administrative powers. Regulated powers and discretionary powers (licenses and authorizations). Organizational powers. Administrative units and administrative bodies. Typology and competence of the organs. Delegation, delegation, delegation of management, delegation of signature and substitution.

Item 3.- The General Administration of the State. The Administration of the Autonomous Communities. The Local Administration. Local autonomy. Typology of local entities. The institutional public sector. Corporate administration. The advisory and control administration.

Item 4.- The sources of administrative law. Administrative Law as a legal system: law, custom and general principles of Law. The value of jurisprudence. The Constitution as a legal rule. European Law as part of the internal legal system. The law. Types of laws. Government regulations with the force of law: Decree-laws and Legislative Decrees. The Regulation. Concept and justification of the regulatory power. Types of regulations. Procedure for drafting regulations. Transparency and public participation.

B.- THE ADMINISTRATIVE ACT AND THE ADMINISTRATIVE PROCEDURE.

Item 5.- The administrative act. The administrative act. Subjective and objective elements. Requirements: production, motivation and form. Classes. Validity of the acts: nullity and annulment. Effectiveness of the acts: notification and publication. General conditions for the practice of notifications. Electronic notifications.

Item 6.- The administrative procedure. The interesting in the procedure. The rights of interested parties and citizens in their relations with public administrations. Abstention and recusal of the authorities and staff in the service of the administrations. The language of the procedures. Records and filing of documents. Deadlines and computation.

Item 7.- The structure of the administrative procedure. The initiation of the procedure: ex officio and at the request of a party. The adoption of provisional measures. The organization and instruction of the procedure. Completion of the procedure. Obligation to resolve. Administrative silence. Enforceability of administrative resolutions. Means of enforcement.

Item 8.- The ex officio review of acts null and void and the review of voidable acts. Administrative appeals. Classes: height, optional of reposition and extraordinary review. General characteristics of administrative appeals: purpose, standing and acts subject to appeal.

C.- SECTORIAL ACTIVITIES

Item 9.- The patrimonial responsibility of the Public Administration. Historical evolution. Current regulations and characteristics of the Spanish liability system. Presuppositions and requirements of the administrative liability. Procedure to claim the liability of the Administration.

Item 10.- The sanctioning activity. Concept and basis. Principles of the sanctioning power and procedure. Administrative sanctioning procedure. Enforcement of penalties.

Item 11.- The compulsory expropriation. Subjects and object of expropriation. The cause expropiandi. General procedure. Emergency procedure. The determination of the fair price. The payment. The reversion.

Item 12.- The activity of promotion. Means of promotion, in particular, subsidies: characteristics and legal regime. Procedure for the granting of subsidies. Control and sanctions. The treatment of subsidies in Community Law.

D.- CONTENTIOUS-ADMINISTRATIVE JURISDICTION.

Item 13.- Scope, extension and limits of the contentious-administrative jurisdiction. Courts and tribunals of the contentious order. Rules of jurisdiction. The parties in the process: standing, representation and defense. Object of the appeal: acts and provisions that can be challenged and types of claims. The contentious-administrative process.

E.- THE CIVIL SERVICE

Item 14.- Types of public employees: career civil servants, interim, temporary and managerial staff. Public labor regime. Access to the civil service. Selection procedures. Organization of civil servants in bodies, groups, levels and job descriptions. Administrative situations.

Methodology

At the beginning of the subject, a schedule will be posted in the Moodle classroom.

The subject will be developed face-to-face.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

Activities

| Title | Hours | ECTS | Learning Outcomes |
|---|-------|------|-------------------------------------|
| Type: Directed | | | |
| Debate | 5 | 0.2 | 8, 2, 7, 6, 12, 14 |
| Resolution of case studies | 20 | 0.8 | 1, 8, 3, 2, 10, 7, 9, 4, 12, 13, 14 |
| Theoretical classes | 25 | 1 | 1, 8, 3, 2, 7, 6, 12 |
| Type: Autonomous | | | |
| Different readings: articles, jurisprudence ... | 25 | 1 | 8, 2, 7, 9, 13 |

| | | | |
|---|----|-----|--------------------------|
| Preparation, writing and presentation of different activities | 25 | 1 | 1, 8, 2, 10, 7, 9, 4, 13 |
| Study | 45 | 1.8 | 8, 3, 7, 13 |

Assessment

In the continuous evaluation, class attendance is compulsory. Students who, for justified reasons and with prior authorization from the teacher, are unable to attend classes, may be evaluated on the day officially set for the exam of the course through the completion of a practical (50%) and a written exam on the content of the program (50%).

The evaluation will consist of the resolution in the classroom of 8 practical cases (in group and individually) on the content of the program (50% of the final grade) and the presentation of a practical case or group work on one of the topics of the program (remaining 50%).

Students will be eligible for re-evaluation provided they have obtained a minimum grade of 3 points out of 10. The re-evaluation will consist of a practical (50%) and a written exam on the content of the syllabus (50%).

A student who copies or attempts to copy in an exam will receive a 0 in the course and will lose the right to the re-evaluation. A student who submits a practice in which there is evidence of plagiarism or who cannot justify the arguments of his practice will get a 0 and will receive a warning. In case of repetition of the behavior, the student will fail the course (0) and will lose the right to the re-evaluation.

Assessment Activities

| Title | Weighting | Hours | ECTS | Learning Outcomes |
|--|-----------|-------|------|---|
| Practices (8) | 60% | 4 | 0.16 | 1, 8, 3, 5, 2, 10, 7, 6, 9, 4, 12, 13, 14 |
| Presentation of a case or work related to the subject of the course. | 40% | 1 | 0.04 | 1, 8, 3, 5, 2, 11, 7, 6, 9, 4, 12, 13, 14 |

Bibliography

1.- REQUIRED BIBLIOGRAPHY

FUENTES GASÓ, Josep Ramon i GIFREU FONT, Judith (Dir.), *Esquemas de procedimiento administrativo*, 4a. Ed., Tirant lo Blanch, 2020.

2.- RECOMMENDED BIBLIOGRAPHY

- BERMEJO VERA, José, *Derecho Administrativo básico*, Vol. I y II, ed. Civitas, 2016, 12ª ed.
- COSCULLUELA MONTANER, Luís, *Manual de derecho administrativo*, Vol. I y II, ed. Civitas, 2015, 26ª ed.
- ESTEVE PARDO, José, *Lecciones de derecho administrativo*, ed. Marcial Pons, 2015, 5ª ed.
- GAMERO CASADO, Eduardo, FERNÁNDEZ RAMOS, Severiano, *Manual Básico de Derecho Administrativo*, Tecnos, 2015, 12 edición.
- GIFREU FONT, Judith i FUENTES GASÓ, Josep Ramon (Dir.), *Règim jurídic dels governs locals de Catalunya*, 2a. Ed., Tirant lo Blanch, 2021.
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- PARADA VÁZQUEZ, José Ramón: *Derecho administrativo*, T. I y II, ed. Open Ediciones Universitario, Madrid, 2015, 22ª ed.

- PAREJO ALFONSO, Luciano. LECCIONES DE DERECHO ADMINISTRATIVO Ed. Tirant lo Blanch 2018.

<https://biblioteca-tirant-com.are.uab.cat/cloudLibrary/ebook/show/9788491903765#ulNotainformativaTitle>

Paper

- PONCE SOLÉ, Juli, Manual de fonaments del dret administratiu i de la gestió pública, Tirant lo Blanch, 2020.

SÁNCHEZ MORÓN, Miguel, *Derecho administrativo*, Vol. I y II, ed. Tecnos, Madrid, 2015, 11ª ed.

- TRAYTER JIMÉNEZ. Joan Manuel, *Derecho administrativo. Parte general*, Atelier, 2015, 2 edició.

Software

The subject does not require any specific software.