

Administrative Law I

Code: 102276
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	FB	2	1

Contact

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Use of Languages

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

Teachers

Marta Franch Saguer
Antoni Milian Massana
Isabel Pont Castejón
Ramon Jordi Moles Plaza
Roser Martinez Quirante
Juan Emilio Nieto Moreno
Montserrat Iglesias Lucia
Estela Gutierrez Rodriguez

Prerequisites

No prerequisites need be met.

Language of cours:

Group 1:

Isabel Pont (theory) (Catalan) (see NOTE)

Seminar 11: Isabel Pont (Catalan)

Seminar 12: Marta Franch (Catalan)

Seminar 13: Juan Emilio Nieto (Spanish)

Group 2:

Antoni Milian (theory) (Catalan)

Seminar 21: Antoni Milian (Catalan)

Seminar 22: Ramon Moles (Catalan)

Seminar 23: Juan Emilio Nieto (Spanish)

Group 51:

Marta Franch (theory) (Catalan)

Seminar 31: Marta Franch (Catalan)

Seminar 32: Estela Gutiérrez (Spanish)

Seminar 33: Ramon Moles (Catalan)

Group 70:

Roser Martínez (theory) (Catalan)

Seminar 71: Roser Martínez (Catalan)

Seminar 72: Montserrat Iglesias (Catalan)

Seminar 73: Juan Emilio Nieto (Spanish)

NOTE: Theoretical classes in group 1 will be in Catalan, unless the subject Administrative Law I has enrolled for the first time exchange students from Spanish universities in whose territory the Catalan language is not an official language or students who come from foreign universities and does not understand the Catalan language. If either of these two assumptions occurs, the theoretical class of Group 1 will then be in Spanish during the first six weeks and students who do not understand Catalan will be able to join the aforementioned Group 1.

Objectives and Contextualisation

Learn the origin, concept and nature of administrative law, its sources and the 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.
- 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.
- Present information in a way that is appropriate to the type of audience.
- 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. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
7. Managing bibliographic and documentary resources: databases, browsing, etc.
8. Present information in a way that is appropriate to the type of audience.
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.

T E M A 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.

T E M A 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.

I I I. THE LEGAL STATUS OF THE ADMINISTRATION

T E M A 8

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

Methodology

According to the New Teaching Model, the course in administrative law I has guided and autonomous activities.

As for the guided activities, these consist of a weekly theory class and a weekly seminar or classroom activity. Theoretical class is recommended, but attendance is not mandatory; on the other hand, attendance at seminars or classroom activities is mandatory, except in cases of absence due to illness or force majeure duly accredited, and is taken into account in the evaluation. Seminars and classroom activities consist of usually oral presentations of readings, sentences, case studies, ... prior individual work (autonomous activity) and subsequent deliberations developed in groups in the classroom (guided activity).

Materials for seminars and classroom activities are available on the Virtual Campus. A Schedule will be posted at the beginning of the course so that students can have the calendar of the theoretical classes and the seminars and classroom activities.

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			
Theoretical classes	19.5	0.78	2, 3, 5
Seminars and classroom activities	19.5	0.78	1, 9, 4, 5, 6, 7, 8, 10
Type: Autonomous			
Different readings: articles, jurisprudence ...	25	1	1, 9, 4
Preparation, writing and presentation of different activities	23	0.92	1, 9, 4, 5, 6, 7, 8, 10
Assessment	5	0.2	9, 4

Assessment

The evaluation of the subject is based on three activities: a partial exam, with a value between 25 and 40%; the activities carried out in the seminars and classroom activities, with a value between 25 and 40%; and a final exam, with a value between 20 and 50%. At the beginning of the course, the teacher responsible for each group will communicate to the students the exact value that corresponds to each activity. The partial exam and the final exam control the knowledge acquired both in the theoretical classes and in the seminars and classroom activities. The score corresponding to the activities carried out in the seminars and classroom activities will take into account the knowledge and skills used (argumentation, oral presentation skills, teamwork, ...).

At the beginning of the course, the teacher responsible for each group will inform the students of the type of the partial exam and the final exam and the requirements necessary to be able to take the re-assessment. The assessment of the revaluation will include the content of the partial exam and of the final exam.

Students who copy or try to copy in the partial test, in the written exercises of the seminars that take place in the classroom or in the final exam, will have a 0 of the subject and will not be able to take the re-evaluation. Likewise, students who copy or try to copy in the reevaluation will have a 0 for the subject. On the other hand, students who present a practice in which there are well-founded indications of plagiarism or which cannot justify the arguments will obtain a 0 for the practice and will receive a warning. In case of repetition of the behavior, the subject will be suspended with a 0, without being able to appear for re-evaluation.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Final exam	20% - 50%	2.5	0.1	1, 2, 3, 4, 5, 6
Partial exam	25% - 40%	2.5	0.1	1, 2, 3, 4, 5, 8, 10
practical cases	25% - 40%	5	0.2	1, 9, 2, 4, 7, 8, 10

Bibliography

It is necessary to follow the subject with a manual. The following are especially recommended (in bold those considered basic bibliography):

Miguel Sánchez Morón, *Derecho administrativo. Parte general*, ed. Tecnos, Madrid, 17 ed., 2021.

Eduardo Gamero Casado, Severiano Fernández Ramos, *Manual básico de Derecho administrativo*, ed. Tecnos, Madrid, 17 ed., 2020.

Joan Manuel Trayter Jiménez, *Derecho administrativo. Parte general*, ed. Atelier, Barcelona, 7 ed., 2022.

Luciano Parejo Alfonso, *Lecciones de Derecho Administrativo*, ed. Tirant lo Blanch, Valencia, 11 ed., 2021. (Available at the UAB digital library).

It is a common fact that during the month of September, at the beginning of the course, new editions appear. The teacher in charge of each group will report accordingly.

Other manuals:

Eduardo García de Enterría, Tomás-Ramón Fernández, *Curso de Derecho Administrativo I*, Civitas, Cizur Menor, 20 ed., 2022.

Ramón Parada Vázquez, Derecho Administrativo I, Dykinson, 1 ed. (26 ed.), 2019.

Juan Alfonso Santamaría Pastor, Principios de Derecho Administrativo General. Vol. I, Iustel, Madrid, 5 ed., 2018.

José Esteve Pardo, Lecciones de Derecho administrativo, Marcial Pons, 9 ed., 2019.

David Blanquer Criado, Introducción al Derecho Administrativo. Teoría y 100 Casos Prácticos, Tirant lo Blanch, Valencia, 4 ed., 2018.

Manuel Rebollo Puig, Diego J. Vera Jurado, Derecho Administrativo, Tecnos, Madrid, Tom. I, 2019.

Software

The subject does not require any specific software.