

Administrative Law I

Code: 102276
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	FB	2	1

Contact

Name: Antoni Milian Massana

Email: antoni.milian@uab.cat

Teaching groups languages

You can check it through this [link](#). To consult the language you will need to enter the CODE of the subject. Please note that this information is provisional until 30 November 2023.

Teachers

Marta Franch Saguer

Antoni Milian Massana

Maria Angels Orriols Salles

Isabel Pont Castejón

Roser Martinez Quirante

Juan Emilio Nieto Moreno

Anna Borrell Mauri

Alexandra Mercader De Sojo

Montserrat Iglesias Lucia

Estela Gutierrez Rodriguez

Prerequisites

No prerequisites need be met.

Group 1:

Marta Franch (theory)

Seminar 11: Marta Franch

Seminar 12: Anna Borrell

Seminar 13: Juan Emilio Nieto

Group 2:

Antoni Milian (theory)

Seminar 21: Antoni Milian

Seminar 22: Juan Emilio Nieto

Seminar 23: Montserrat Iglesias

Group 51:

Marta Franch (theory)

Seminar 31: Marta Franch

Seminar 32: Estela Gutiérrez

Seminar 33: Maria dels Àngels Orriols

Group 70:

Roser Martínez (theory)

Seminar 71: Roser Martínez

Seminar 72: Montserrat Iglesias

Seminar 73: Alexandra Mercader

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
study	48	1.92	1, 2, 3, 5

Assessment

Continuous assessment

The evaluation of the subject is based on three activities: a partial exam, with a value of 35%; the activities carried out in the seminars and classroom activities, with a value of 30%; and a final exam, with a value of 35%.

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.

Review of the final grade: Once the final grade is known, and with sufficient time prior to holding the re-assessment test, students have the right to consult the partial exam, the seminar and classroom activities, and the final exam.

Single evaluation

The evaluation of the subject is based on three activities: a partial exam, with a value of 35%; a final exam, with a value of 35%; and a practical exam with a value of 30%.

The date of the three activities will coincide with the date set for the final exam of the continuous assessment system.

Students who cheat or try to cheat in the partial exam, in the final exam, or in the practical exam will have a 0 for the subject and will not be able to take the reassessment. Likewise, students who copy or try to copy in the reassessment will have a 0 for the subject.

Recovery: The same recovery system will be applied as for the continuous evaluation.

Review of the final grade: The review of the final grade follows the same procedure as for the review of the final grade of the continuous assessment.

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, 18 ed., 2022.

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.