

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet: Osnove upravnega prava
Course title: Fundamentals of Administrative Law

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Uporabne družbene študije UN, Advanced Social Studies BA	/	1.	2.

Vrsta predmeta / Course type

Obvezni/Compulsory

Univerzitetna koda predmeta / University course code:

OUP

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
20	0	30	0	0	130	6

Nosilec predmeta / Lecturer:

Doc. dr./ Ph.D., Assistant Professor Jernej Letnar Černič

**Jeziki /
Languages:**

**Predavanja /
Lectures:** Slovensko / Slovenian, Angleško / English
Vaje / Tutorial: Slovensko / Slovenian, Angleško / English

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:

Vpis v 1. letnik dodiplomskega programa.

Prerequisites:

Inscription in the 1 year of undergraduate studies.

Vsebina:

Opredeleitev in razmejitev pojmov upravno pravo (nastanek, razvoj, klasifikacija), uprava, državna uprava, javna uprava. Viri upravnega prava in njihov pomen za delo uprave. Sodno pravo kot podlaga za delo uprave.

Upravnopravne norme in akti (vrste, medsebojna hierarhija ter odvisnost).

Skladnost upravnopravnih norm in aktov.

Posebna vprašanja zakonitosti pri izdajanju posamičnih upravnih aktov. Vloga uprave pri uresničevanju človekovih pravic in njeni ustavnopravni vidiki. V okviru predmeta se študentke in študente seznanijo s pojmom in razvojem upravnega prava ter njegovimi temeljnimi inštituti.

Predmet obravnava predvsem vprašanja, povezana z viri upravnega prava, nastankom in uporabo upravnopravnih norm, s katerimi se na abstraktni in konkretni ravni urejajo upravnopravna razmerja, poleg tega pa tudi vsa tista vprašanja, ki so pomembna za pravno pravilno in zakonito delo uprave pri izvrševanju njenih funkcij na lokalni in državni ravni. Posebna pozornost je namenjena obravnavi skladnosti upravnopravnih norm z višjimi normami ter obravnavi posebnih problemov zakonitosti (diskrecija, nedoločeni pravni pojmi, pravne praznine) pri izdaji upravnopravnih norm. Obravnavana bodo tudi vprašanja, povezana z vlogo uprave pri uresničevanju človekovih pravic in oblike sodnega nadzora nad pravnimi akti uprave.

Content (Syllabus outline):

Definition and demarcation of concepts of administrative Law (formation, development, classification), administration, state administration, public administration. Sources of administrative law and their relevance to the work of the administration. Case law as a basis for the work of the administration.

Administrative law norms and instruments (types, the hierarchy and dependence).

Consistency of administrative norms and regulations. Specific questions of the legality of the adoption of individual administrative acts.

The role of the public administration in the protection of human rights and its constitutional aspects.

This course aims to acquaint students the concept and development of administrative law and its core institutes. The course deals primarily with issues relating to sources of administrative law, the formation and use of administrative norms governing not only abstract and concrete administrative relations, but also all those issues which are important for proper legal and legitimate function of the public administration in the execution of its functions at the local and state level. Special attention is paid to addressing the compliance of administrative norms with higher norms and addressing the specific problems of legality (discretion, undefined legal concepts, legal lacunae) in the issuance of administrative norms. It will address the issues related to the role of the administration in the implementation of human rights and forms of judicial review of acts of the administration.

Temeljni literatura in viri / Readings:

- Jernej Letnar Čerňič, Študijsko gradivo, Ljubljana 2014.
- Lovro Šturm: Omejitev oblasti. Ljubljana: Nova revija, 1998.
- Lovro Šturm (ur.): Komentar Ustave Republike Slovenije. FDŠ, 2002 ter 2011.
- Cijan Rafael, Grafenauer Božo: Upravno pravo – Splošni del, Pravna fakulteta v Mariboru, Maribor 2002.
- Dokumenti človekovih pravic z uvodnimi pojasnili; Amnesty International Slovenije, Ljubljana 2002.
- Hans-Otto Sano, Gudmundur Alfredsson and Robin Clapp (eds.), Human Rights and Good Governance (Hague, Brill, 2002).

Priporočena literatura

- J.N. Rosenau, *Along the Domestic-Foreign Frontier: Exploring Governance in a Turbulent World* (Cambridge: Cambridge University Press, 1997).
- Philip Alston, Ryan Goodman, Henry J. Steiner, *International Human Rights in Context: Law, Politics, Morals*, OUP, 2008.
- Manfred Nowak, *Introduction to the International Human Rights Regime*, (Martinus Nijhof, 2003).
- Christian Tomschut, *Human Rights: Between Idealism and Realism* (OUP, 2003).
- Doona Gomien, *Kratek vodič po Evropski konvenciji o človekovih pravicah*, Svet Evrope, 2009.
- Matej Avbelj (ur.): *Izzivi moderne države*, FDŠ, 2012.
- David Harris, Michael O'Boyle, Ed Bates, Carla Buckley, *Law of the European Convention on Human Rights*, OUP, 2009.
- Commission of the European Communities, *European Governance: A White Paper*, Brussels, 25.7.2001 COM(2001) 428.
- Gudmundur Alfredsson, Jonas Grimheden, Bertram G. Ramcharan and Alfred de Zayas, *International Human Rights Monitoring Mechanisms*, (Martinus Nijhoff, 2001).
- Rhona K.M. Smith, *Human Rights*, (OUP, 2005).

Cilji in kompetence:

- poznavanje in razumevanje družbenih procesov ter sposobnost za njihovo analizo, sintezo in predvidevanje rešitev in njihovih posledic;
- seznanjenost z raziskovalnimi metodami, postopki in procesi, sposobnost zbiranja in interpretiranja podatkov ter rezultatov raziskav;
- etična refleksija in zavezanost profesionalni etiki v družbenem okolju s spoštovanjem

Objectives and competences:

- knowledge and understanding of social processes and the ability for their analysis, synthesis, foreseeing solutions and their consequences;
- familiarity with research methods, procedures and processes, the capability of collecting and interpreting data and research results;
- ethical reflection and commitment to professional ethics in the social

načela nediskriminatornosti in multikulturalnosti;

- razvoj kritične in samokritične presoje;
- sposobnost fleksibilne uporabe znanja v praksi;
- razumevanje pomena kakovosti in prizadevanje za kakovost strokovnega dela skozi avtonomnost, (samo)kritičnost, (samo)refleksivnost in (samo)evalviranje v strokovnem delu;
- zmožnost za prepoznavanje in izkoriščanje priložnosti, ki se ponujajo v delovnem in družbenem okolju (ki se izkazujejo kot podjetniški duh in aktivno državljanstvo);
- razvoj komunikacijskih sposobnosti in spretnosti;
- sposobnost timskega dela, tj. pripravljenost na sodelovanje, kooperativnost, upoštevanje mnenj drugih in izpolnjevanje dogovorjene vloge v okviru tima oz. skupine;
- sposobnost razvijanja alternativnih rešitev v procesu strateškega načrtovanja;
- sposobnost zagona strategij oziroma pretvorbe strategij v projekte;
- sposobnost globalnega mreženja na področju socialnih dejavnosti;
- sposobnost za izdelavo projekta, ki lahko kandidira za mednarodna sredstva;
- razumevanje ekonomskih vidikov za delovanje neprofitnega sektorja;
- sposobnost vodenja, koordiniranja in načrtovanja poslovnega procesa v neprofitni organizaciji;
- sposobnost divergentnega mišljenja, kritičnega presojanja, ustvarjalnosti in premagovanja problemov;
- sposobnost upravljanja človeških virov;
- sposobnost urejanja razmerij med delodajalci in delavci;
- sposobnost reševanja zahtevnih problemov posameznikov, ki nastajajo v delovnem okolju pri delu in v procesu zaposlovanja;
- sposobnost interdisciplinarnega povezovanja različnih strokovnjakov;

environment while respecting the principle of non-discrimination and multiculturalism;

- development of critical and self-critical judgement;
- the ability of the flexible use of knowledge in practice;
- understanding the importance of quality, and striving for quality professional work through autonomy (self) criticism, (only) and reflexivity (self) evaluation of the technical work;
- ability to recognise and exploit; opportunities provided in the working and social environment and manifest themselves as entrepreneurial spirit and active citizenship;
- development of communication abilities and skills;
- ability to teamwork, i.e. willingness to cooperate, cooperation, respect the opinions of others and fulfil roles within the team or. group;
- the ability to develop alternative solutions in the process of strategic planning;
- the ability to launch strategies or transforming strategies into projects;
- the ability of global networking in the field of welfare activities;
- the ability to produce a project that can run for international funding;
- understanding of economic aspects of the operation of the non-profit sector;
- leadership abilities, co-ordination and planning of the business process in the non-profit organisation;
- the ability of divergent thinking, critical judgement, creativity and overcoming problems;
- human resources management ability;
- the ability of managing relations between employers and employees;
- ability to solve complex problems of individuals emerging in the working environment in the process of employment;
- the ability of interdisciplinary integration of

- sposobnost uporabe in ustreznega navajanja relevantnih domačih in mednarodnih virov, uporabe elektronskih virov in kritične analize relevantne literature.

- the different experts;
- the ability to use and properly refer to relevant domestic and international sources, to use electronic sources and to provide critical analysis of the relevant literature.

Predvideni študijski rezultati:

Znanje in razumevanje:

Študent/študentka:

- seznanitev študentov s pojmom in razvojem upravnega prava ter njegovimi temeljnimi inštituti;
- seznanitev študentov s človekovo pravico ljudstva do dobre vlade in javne uprave;
- osvojitve temeljnih vprašanj vsebinskega in postopkovnega upravnega prava;
- razvije zanimanje in znanje o upravnem pravu;
- razvije kritično razumevanje upravnega prava;
- zmožen/na je ustrezno umestiti pravico do dobre vlade v varstvo človekovih pravic v upravnem pravu;
- zmožen/na je kritične presoje ter analize in interpretacije dogodkov in usmeritev iz sodobnega obdobja;
- pozna in uporablja osnovne metodološke pristope pri raziskovanju vprašanj upravnega prava.

Intended learning outcomes:

Knowledge and understanding:

Student / student:

- to introduce students to the concept of administrative law and its development, and to its basic principle;
- to introduce students to the concept of human right of people to good governance and public administration;
- acquiring the fundamental knowledge of substantive and procedural of administrative law;
- aims to develop the students' interest in, and knowledge of, administrative law;
- and develop a critical understanding of the administrative law;
- able to the appropriately place right to good governance in the protection of human rights in administrative law;
- able to the critical judge, analyse and interpret events and policies related to administrative law in the modern period;
- to know and use basic methodological approaches to administrative law.

Metode poučevanja in učenja:**Oblike dela:**

- Frontalna oblika poučevanja
 Delo v manjših skupinah oz. v dvojicah
 Samostojno delo študentov
 e-učenje
 drugo (vpišite) _____

Metode (načini) dela:

- Razlaga
 Razgovor/ diskusija/debata
 Delo z besedilom
 Proučevanje primera
 Igra vlog
 Druge vrste nastopov študentov
 Reševanje nalog
 Študijski obiski podjetij ipd.)
 Vključevanje gostov iz prakse
 Udeležba na okrogli mizi, na konferenci

Learning and teaching methods:**Types of learning/teaching:**

- Frontal** teaching
 Work in smaller groups or pair work
 Independent students work
 e-learning
 other _____

Teaching methods:

- Explanation
 Conversation/discussion/debate
 Work with texts
 Case studies
 Role-play
 Different presentation
 Solving exercises
 Field work (e.g. company visits)
 Inviting guests from companies
 Attending round table and conference

Delež (v %) /

Načini ocenjevanja:

Weight (in %)

Assessment:

• Pisni izpit	100%	• Written exam
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Reference nosilca / Lecturer's references:

- LETNAR ČERNIČ, Jernej. Corporate obligations under the human right to water. *Denver j. int. law policy*, spring 2011, vol. 39, no. 2, [p.] 303-345.
- LETNAR ČERNIČ, Jernej, BOHOSLAVSKY, Juan Pablo (eds.) Making Human Rights and Sovereign Debt Work, Hart Publishing, Oxford, 2014.
- TOEBES, Brigit C. A., LETNAR ČERNIČ, Jernej. Corporate human rights obligations under economic, social, and cultural rights. V: ADDICOTT, Jeffrey F. (ur.), BHUIYAN, Jahid Hossain (ur.), CHOWDHURY, Tareq M. R. (ur.). *Globalization, international law, and human rights*. Oxford: Oxford University Press, cop. 2012, str. 1-33.
- LETNAR ČERNIČ, Jernej. Obligaciones de las empresas en el marco del derecho humano al agua. V: OLMOS GIUPPONI, María Belén (ur.). *Medio ambiente, cambio climático y derechos humanos*, (Justicia en griego). Medellín: DIKE. Biblioteca Jurídica, 2011, str. 117-136.
- LETNAR ČERNIČ, Jernej. *Human rights law and business : corporate responsibility for fundamental human rights*. Groningen: Europa Law Publishing, 2010. XVIII, 328 str. ISBN 978-90-8952-081-4.
- LETNAR ČERNIČ, Jernej. Corporate human rights obligations under stabilization clauses. *Ger. law j.*, 2010, vol. 11, no. 2, str. 210-229.
- HERIK, Larissa J., LETNAR ČERNIČ, Jernej. Regulating corporations under international law : from human rights to international criminal law and back again. *Journal of international*

criminal justice, jul. 2010, vol. 8, no. 3, str. 725-743.

- LETNAR ČERNIČ, Jernej. Global witness v. Afrimex LTD.: decision applying OECD guidelines on corporate responsibility for human rights. *Insights*.