

Academic Year/course: 2022/23

62054 - Legal regime of the public sector and administrative procedure

Syllabus Information

Academic Year: 2022/23

Subject: 62054 - Legal regime of the public sector and administrative procedure

Faculty / School: 102 - Facultad de Derecho

Degree: 582 - Master's in Public Administration Law

ECTS: 6.0

Year: 1

Semester: First semester

Subject Type: Compulsory

Module:

1. General information

2. Learning goals

3. Assessment (1st and 2nd call)

4. Methodology, learning tasks, syllabus and resources

4.1. Methodological overview

The learning process that has been designed for this subject is based on the following:

The subject ?LEGAL REGIME OF THE PUBLIC SECTOR AND ADMINISTRATIVE PROCEDURE ? has a theoretical and a practical dimension. Our methodology is focused, given the virtual modality of teaching, in a system of autonomous work of the students, under the guidance of the teacher in charge, and through the use of several tools: theoretical texts, practices based on case studies, student debate, work with electronic resources, reading of doctrine and jurisprudence and other programmed activities.

The teaching methodology follows certain specific strategies; among which we highlight the following three:

1. *"To make the student a partner in the learning process, motivating the constancy and behaviour of being in a continuous formative process".*

It is proposed to approach the study of the subject in a critical way, both from the revision of the legal texts, and from the handling of specific problems that illustrate the reality of the administrative law and the functioning of our public administrations.

This approach requires an effort on the part of the students, from whom an ambitious mentality is demanded, concentration in the lessons, motivation and interest for the understanding, capacity of selection and synthesis of the learned concepts, relation and criticism of the subjects that are treated in the program and the social reality that surrounds them, as well as the handling of the technological resources within their reach to be suitably trained in this discipline.

1. "Training in social and ethical values"

The professor will present the institutions of public law and the regulation of strategic sectors beyond the mere revision of the regulation, also illustrating his discourse with references to the economic and social problems of the moment. Legal analysis should serve to open up channels of reflection and discussion, to establish knowledge of concepts, and to learn strategies and work techniques which are specific to this subject.

1. "Training in quality, promoting learning based on active methodologies".

The teachers of this subject have been teaching through active methodologies, with official recognition in numerous teaching innovation projects of the University of Zaragoza and with the help of electronic resources.

In learning-teaching process of "LEGAL REGIME OF THE PUBLIC SECTOR AND ADMINISTRATIVE PROCEDURE" it is necessary to get used to handling legal concepts with solvency and, above all, to arguing and interpreting legal texts (rules, judgments, contracts, administrative resolutions, doctrinal works, etc.). These are techniques that are preferable to memorising the content of books, legal rules or judgements.

Administrative law is extraordinarily dynamic, both in its normative dimension and in the - often uneven - interpretation of rules by experts, including judges and courts. That is why it is not advisable to spend too much time and effort on retaining information or data, storing rules, judgments and doctrinal criteria, but to assimilate, first, the basic or fundamental concepts - "those that never change" -, and then to interpret the legal ups and downs by applying the available legal techniques.

Although it is not easy -nor desirable, of course- to renounce memory as a form of learning, a responsible preparation of students is achieved through reading and understanding texts, through the search for the reason for being of institutions and for the legal norms that seek to regulate them. This methodology is practiced and cultivated on a daily basis. The law is the early expression of possible peaceful solutions to human conflicts and the expression of public policies. At the same time, the legal profession, in its many and different aspects (the advocacy, the judiciary, the notary's office, the legal profession of the State or of the Autonomous Communities, the legal profession of Parliaments, public employees and others) is measured by the capacity or skill in achieving those noble objectives.

4.2. Learning tasks

The programme offered to the student to help him achieve the expected results comprises different activities, which will vary according to the characteristics of the different thematic blocks, and which will be as follows:

- Introductory activities:

Activities aimed at making contact and collecting information from students and presentation of the subject.

- Webinars:

Webinars will be virtual activities aimed at dealing in depth with specific topics or complex and current issues of each subject, through personal exchanges between attendees.

- Discussion forums:

The discussion forum provides learning in a virtual environment to work on readings and case studies. It is an activity where individually or in small groups students defend positions based on legal arguments on a given topic.

- Case studies:

In order to acquire the skills of the degree and to achieve the learning objectives of each subject, students will carry out case studies, so that the students will be required to develop an argued solution to an issue, solve a series of specific questions or make a global reflection.

- Reading of written/graphic documentation elaborated:

Reading and working on the documentation published in different formats, with the aim of helping students to develop the more theoretical skills and knowledge necessary for the development of practical activities. Virtual environments will be used to support teaching, given the virtual nature of the Master's, but students may be required to search for the appropriate documentation sources for each activity.

- Assignments:

Academic work done by students in a non-presential way that allows them to develop the understanding and application of content, the use and organization of information, the capacity for critical reflection, etc.

- Personalized attention:

The teacher will attend virtually (email or other means through Moodle) providing the information required by students, advising both the development of work and participation in forums and discussion seminars, also provide the necessary explanations to improve the monitoring of the subject.

4.3. Syllabus

The course will address the following topics or subjects:

Part 1: Public sector and administrative organisation

1. Principles of action and functioning of the public sector
2. Institutional public sector structure
3. Administrative organization

2nd part: The citizen before the Administration. Administrative act.

4. The legal position of the citizen before the administration
5. The activity of public administrations: theory of the administrative act.
6. Patrimonial responsibility of the Administration

Part 3: Administrative procedure and appeal system

7. Administrative procedure (1)
8. Administrative procedure (and 2).
9. Administrative appeals.

4.4. Course planning and calendar

The learning process that has been designed for the subject ?LEGAL REGIME OF THE PUBLIC SECTOR AND ADMINISTRATIVE PROCEDURE ? is based on several teaching-learning, training and assessment activities, which are consistent with the expected learning outcomes and are geared towards achieving those outcomes.

The key activities of the subject, in accordance with the proposed timetable, will be announced sufficiently in advance by the teachers in charge of teaching.

For this purpose, electronic means will be used.

4.5. Bibliography and recommended resources

The responsible teachers will recommend the updated bibliography at the beginning of each topic.