

## 30507 - Administrative Law: General Part

### Syllabus Information

**Academic year:** 2023/24

**Subject:** 30507 - Administrative Law: General Part

**Faculty / School:** 102 - Facultad de Derecho

**Degree:** 432 - Joint Law - Business Administration and Management Programme

**ECTS:** 9.0

**Year:** 2

**Semester:** Second semester

**Subject type:** Compulsory

**Module:**

### 1. General information

The main objective of this subject is to provide an introduction to the general part of Administrative Law. It is to know and understand the organization and functioning of the various public administrations in their context, to know how to apply the knowledge acquired for the resolution of conflicts, fluently handling the legal terminology of the discipline, the various sources in force and the techniques of legal argumentation. The approaches of this subject are oriented towards the achievement of SDGs 4.7, 10.3 and 16.6.

### 2. Learning results

1. Know and accurately explain the units of General Administrative Law included in the syllabus of the subject (ODS 10 and 16).
2. Apply their theoretical knowledge and the rules of the legal-administrative system to the resolution of practical cases (ODS 4).
3. Use the legal terminology proper to Administrative Law, both in written and oral expression.
4. Fluently read documents of the administrative procedure and the contentious-administrative process.
5. Exercises legal reasoning skills and provides answers to simple legal problems (SDG 16).
6. Know how to offer alternative solutions to existing legal conflicts and identifies the competing interests at stake.
7. It carries out administrative procedures by means of the corresponding writings addressed to the competent Administration.

### 3. Syllabus

#### BLOCK I. INTRODUCTION AND SOURCE SYSTEM

##### Unit 1. Approach to the concept of Public Administration and Administrative Law

- Public Administrations: concept and characteristics. The public sector.
- Constitutional bases of administrative law.
- The legal-administrative system: system of sources. Special study of the regulations
- The legal system of the European Union.

#### BLOCK II. THE ADMINISTRATIVE ORGANIZATION

##### Unit 2. Organ theory

- The organizational power of public administrations. Administrative bodies.
- Typology of administrative bodies: in particular, collegiate bodies.
- Inter-administrative and inter-organizational relations.
- Jurisdiction: concept and types; transfers and alterations of jurisdiction.

##### Unit 3. Structure and legal system of the different public administrations

- General classification and overview of public administrations.
- Territorial administrations.
- Institutional or instrumental administrations.
  
- Corporate governance.

#### Unit 4. Local Government

- Constitutional framework: the principle of local autonomy
- Typology of local entities and bases of local organization.
- Local services and competencies
- Relations between local administrations and other territorial entities: in particular, the techniques of control and the challenge of local acts.

#### Unit 5. The statute of the public employee

- Classes of public employees.
- Rights and duties of public employees
- In particular, the career civil servant.

### BLOCK III. ADMINISTRATIVE ACTS AND COMMON ADMINISTRATIVE PROCEDURE

#### Unit 6. The principle of legality of administrative action and formal instruments for action

- The administrative act: concept, elements and types.
- Administrative powers. Administrative discretion and its control techniques.
- Invalidity of administrative acts.
- Effectiveness of administrative acts.
- Execution of administrative acts.

#### Unit 7. The common administrative procedure

- Scope of application and inspiring principles. Common procedure and special procedures. Procedures electronic.
- The interested parties in the administrative procedure.
- Phases and development of the common administrative procedure.
- Administrative silence.

### BLOCK IV CITIZENS' GUARANTEES VIS-À-VIS THE ADMINISTRATION (ADMINISTRATIVE APPEALS, CONTENTIOUS JURISDICTION AND PATRIMONIAL LIABILITY)

#### Unit 8. Guarantees in relation to the actions of the Public Administration

- Internal and external controls of administrative actions.
- Administrative appeals.
- Other administrative claims and alternative dispute resolution mechanisms.

#### Unit 9. Jurisdictional protection of the legal position of the administered party

- Extension and limits of the contentious-administrative jurisdiction.
- The object of the contentious-administrative appeal.
- The contentious-administrative process.
- The sentence and its execution.

#### Unit 10. The financial liability of the Public Administrations

- Presuppositions and requirements of the Administration's liability.
- The liability action.

## 4. Academic activities

### 4.1. FACE-TO-FACE ACADEMIC ACTIVITIES

**Master class:** 54 hours (theoretical-practical sessions in which the contents of the subject will be explained).

**Practical exercises:** 30 hours (problem solving and case studies, assignments and face-to-face tutorials).

**Personal study and preparation of practical assignments:** 135 hours.

**Assessment tests.** 6 hours.

Academic activities type 6: There will be complementary activities type 6, of diverse content, such as seminars, conferences, role-playing, film forums, etc.

## 5. Assessment system

### 5.1. PRESENCE-BASED MODALITY

## GLOBAL ON-SITE EVALUATION

The assessment of the subject Administrative Law General Part will be adjusted to the global assessment test system.

This comprehensive exam will be held according to the exam schedule approved for the different exams of the academic year will be written, will deal with all the contents of the program of Administrative Law General Part and will be developed in two tests:

a) A **theoretical test**, which will consist of between three and six short questions, related, but not necessarily coinciding with the headings of the General Administrative Law program, with limited space to answer. For the realization of the theoretical test the student will not be able to consult books, notes or texts of any kind, nor use electronic media . Its duration shall not exceed 60 minutes.

b) A **practical test**, which will consist of the development and reasoned answer to a series of questions formulated around a factual assumption, with the exclusive help of legal texts and, likewise, with limited space to answer. Its duration will not exceed 240 minutes.

The overall grade of the subject will be given by the weighted average of the grades of both tests, being the value of the theoretical test 30% and the practical test 70%. The weighted average will not be calculated if a student does not take the two tests -theoretical and practical- that make up the global test, . Nor when the grade obtained in any of the tests does not reach a minimum of 40% of the respective grade. The grades of the theoretical or practical tests will not be kept for successive test.

## CONTINUOUS ON-SITE ASSESSMENT

It is possible to pass the theoretical part of the global test in advance, during the school period.

In order to pass in advance the theoretical part of the global test, the student will have to demonstrate a profitable and regular work during the academic period, participating and passing all the evaluable activities designed and programmed by the faculty responsible for the subject. These assessable activities, in the number determined by the faculty , may consist of answering short questions, test-type questionnaires or the completion of other exercises, oral or written, related to Administrative Law, General Part.

Students who pass the assessable activities will only have to take the practical part of the global test which, , has a value of 70% of the final grade. The grade corresponding to the continuous assessment can be retained in the exams of the same academic year.

**Evaluation criteria:** The knowledge acquired, the adequacy of the question-answer, the clarity and precision of the answers, the use of legal terminology, the suitability of the arguments used, the ability to resolve conflicts by offering alternative solutions based on law will be assessed, the ability to compare abstract legal ideas and concepts, the correct support in the regulations in force, the capacity for synthesis and analysis, as well as the quality of the written expression, reasoning and application of legal principles and rules.