



### UČNI NAČRT PREDMETA / COURSE SYLLABUS

|                      |                         |
|----------------------|-------------------------|
| <b>Predmet:</b>      | Upravne teorije         |
| <b>Course title:</b> | Administrative Theories |

| Študijski program in stopnja<br>Study programme and level | Študijska smer<br>Study field | Letnik<br>Academic year | Semester<br>Semester |
|-----------------------------------------------------------|-------------------------------|-------------------------|----------------------|
| Javna uprava – 3. stopnja                                 |                               | 1                       | 1                    |
| Public Administration – 3rd degree                        |                               | 1                       | 1                    |

**Vrsta predmeta / Course type**

Obvezni/mandatory

**Univerzitetna koda predmeta / University course code:**

| Predavanja<br>Lectures | Seminar<br>Seminar | Vaje<br>Tutorial | Klinične vaje<br>work | Druge oblike<br>študija | Samost. delo<br>Individ.<br>work | ECTS |
|------------------------|--------------------|------------------|-----------------------|-------------------------|----------------------------------|------|
| 20                     | 0                  | 0                | 0                     | 0                       | 280                              | 10   |

**Nosilec predmeta / Lecturer:**

prof. dr. Jernej Letnar Čerňič

**Jeziki /**

**Languages:**

**Predavanja /**

**Lectures:**

**Vaje / Tutorial:**

slovenski /slovenian, optional angleščina/english

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

Vpis v 1. letnik.

**Prerequisites:**

Enrollment in the 1st year of study.

**Vsebina:**

Predmet pomeni nadaljevanje študija temeljnih in obveznih upravno pravnih predmetov magistrskega študijskega programa »Javna uprava«. Gre za teoretično, upravno sodno in ustavno sodno ter mednarodnopravno raziskovanje materialnega upravnega režima in njegovega pomena za eksistenco, delovanje in razvoj pravne, socialne in demokratične države.

Izhodišče doktorskega študija predstavljajo teoretična spoznanja in razlage upravne in

**Content (Syllabus outline):**

The course represents a continuation of the study of basic and mandatory administrative law subjects the master's study program "Public Administration". It examines material administrative law regime from perspective of theory, general administrative law, constitutional law and international law and analyses its importance for the existence, operation and development of the rule-of-law, social and democratic state.



upravno sodne in ustavno sodne prakse ter mednarodne in primerjalne sodne prakse, predvsem argumenti, ki se osredotočajo na temeljne metode, načela in teste te prakse. V prvem delu se na predmet ukvarja z ustavnimi in filozofskimi izhodišči upravnega prava in upravno pravne znanosti. V drugem delu pa z razmerji upravnega prava do drugih pravnih vej in njegova razmejitev z njimi in načeli zakonitosti in problemi zakonitosti uprave ter sodno presoja zakonitosti uprave. V tretjem delu obravnava specifične upravne teorije. Nadaljevanje študija sledi posebni problematiki kandidatove doktorske disertacije na podlagi relevantne slovenske, mednarodne in primerjalne upravno sodne in ustavno sodne prakse.

The starting point of doctoral studies represent theoretical knowledge and interpretation of administrative and judicial-administrative and constitutional jurisprudence and international and comparative jurisprudence, in particular the arguments that focus on the fundamental methods, principles and tests of such practice. The course deals in the first part with constitutional and philosophical backgrounds of administrative law and administrative law science. In the second part, the course examines relationship of administrative law to other legal branches and its demarcation with them and the principles of legality and the legality of the problems of government and judicial review of the lawfulness of the acts administration. The third part deals with specific administrative theories. The course concludes with detailed examination of candidate's proposed topic of his/her doctoral thesis based on examination of relevant Slovenian, international and comparative judicial and constitutional jurisprudence.

#### Temeljni literatura in viri / Readings:

Matej Avbelj (ur.), Komentar Ustave RS, Nova univerza, 2019.  
Jernej Letnar Černič, Matej Avbelj, Marko Novak, Dejan Valentinčič, Reforma demokratične in pravne države v Sloveniji. 1. natis. Kranj: Nova univerza, Fakulteta za državne in evropske študije, cop. 2018.  
Matej Avbelj, Jernej Letnar Černič, The Impact of European Institutions on the Rule of Law and Democracy: Slovenia and Beyond. Oxford, Hart (Bloomsbury), 2020.  
Jernej Letnar Černič, Slovenija na razpotju: geneza varstva človekovih pravic v slovenski družbi, Kranj: Nova univerza, Fakulteta za državne in evropske študije, cop. 2018.  
Mark Rudgers, Theory and Scope of Public Administration: An Introduction to the Study's Epistemology, <http://www.aspanet.org/public/ASPADocs/PAR/FPA/FPA-Theory-Article.pdf>  
France Bučar, Upravljanje, Cankarjeva založba, Ljubljana, 1981.

#### Cilji in kompetence:

#### Objectives and competences:

## Cilji

Predmet zajema znanstvene izsledke upravne teorije in v tem smislu vodi k samostojnemu upravno teoretičnemu razmišljanju ter je tako nadgradnja temeljnih znanj z nižjih nivojev.

## Kompetence

Pričujoči predmet prispeva k razvoju naslednjih splošnih in specifičnih kompetenc študentov :

### a) Splošne kompetence :

- uporaba ustreznih metod pravnega raziskovanja, njihovih postopkov, analize in sinteze;
- razvoj etičnih sposobnosti pri uresničevanju načel in pravil upravnih teorij;
- Sposobnost razumevanja temeljnih institutov javne uprave na ravni doktorskega študija;
- poznavanje in razumevanje pojmov upravnega prava, javne uprave in upravnih teorij;
- Sposobnost in razvoj kritičnega mišljenja pri obravnavi temeljnih vprašanj, procesov in problemov;
- Sposobnost poznavanja in izvirnega reševanja konkretnih sodnih, pravnih in drugih družbenih problemov na ravni doktorskega študija;
- Sposobnost prehoda od opisnega načina učenja do analitičnega učenja s poudarkom na samokritičnem mišljenju;
- Sposobnost izboljšanja izbire in uporabe raziskovalnih metod glede na specifični problem;
- Razumevanje nujnosti nevtralnega svetovnonazorskega pristopa pri reševanju problemov v družbeni skupnosti;
- Izboljšanje učinkovitosti in nediskriminatornosti uporabe pridobljenega znanja;

## Objectives

The course »administrative theories« critically examines different administrative theories and in this way leads to independent administrative theoretical thinking and thus upgrading the knowledge base from the lower levels of studies

## Competences

The present subject contributes to the development of following generic and specific competences of students:

### a) General competences:

- the use of appropriate methods of legal research, their procedures, analysis and synthesis;
- developing ethical skills in the implementation of the principles and rules of public administration;
- Ability to understand the fundamental institutes of public administration at the level of doctoral studies;
- Development of knowledge and understanding of concepts of administrative law, public administration and administrative theories;
- Ability and development of critical thinking in addressing the fundamental issues, processes and problems at the level of doctoral studies;
- Ability and knowledge of the original resolution of concrete judicial, legal and other social problems;
- Ability to transition from a descriptive way of learning to analytical learning with an emphasis on self-critical thinking;
- Ability to improve the selection and application of research methods depending on the specific problem;

- Izboljšanje sposobnosti odločanja o temeljnih dilemah slovenske, evropske in mednarodne družbe v konkretnih primerih;
- Vključevanje pridobljenega znanja v delovni proces in reševanje delovnih nalog;
- Sposobnost iskanja utemeljenih alternativnih rešitev in njihovo uporabo pri konkretnih problemih;
- Sposobnost pridobljenega znanja in veščin v prostovoljno delo;
- Sposobnost interdisciplinarnega učenja in uporabe znanj iz različnih strokovnih področij;
- Sposobnost predanega samostojnega dela in njegove samorefleksije;
- Sposobnost skupinskega dela in odločanje ter mreženja na strokovnem področju;
- Sposobnost iskanja rešitev in njihove uporabe v praksi;
- Izboljšanje in razvoj govorniških sposobnosti v akademskem svetu in v praksi;
- Razvoj sposobnosti pisanja strokovnih prispevkov na visoki strokovni ravni;
- Sposobnost pravilnega citiranja v besedilu in na njegovem koncu.

**b) Specifične kompetence (za predmet »upravne teorije«) :**

- Sposobnost razumevanja in kritične razlage temeljnih institutov javne uprave in upravnega prava
- Sposobnost osvojitve temeljnih vprašanj upravnih teorij in njihove uporabe na praktičnih primerih
- Sposobnost umestitve posamičnih upravnih teorij v celotni okvir znanstvene vede o javni upravi;
- Sposobnost kritične presoje ter analize in interpretacije aktualnih dogodkov;

- Understanding the necessity of a neutral philosophical approach to resolving problems in international community;
- Improving the efficiency and non-discriminatory use of knowledge gained;
- Improving the ability to make decisions about the fundamental dilemmas of Slovenian, European and international society in concrete cases;
- Integration of acquired knowledge in the work process and solving tasks;
- Ability to search for compelling alternative solutions and their application to concrete problems;
- Ability to employ acquired knowledge and skills in voluntary work;
- Ability to employ interdisciplinary learning and to apply the knowledge from different areas of expertise;
- Ability to work independently and self-reflectively;
- Ability to work in a team and decision-making and networking in the professional field;
- Ability to search for solutions and their application in practice;
- Improvement and development of oral and presentation skills in the academic world and in practice;
- Develop the ability to write professional articles on a high professional level;
- Ability to cite sources correctly in the text and at its end.

**b) Specific competences (for the course "administrative theories"):**

- Ability to understand and critical interpret the main institutes of public administration and administrative law
- Ability to conquer the fundamental questions of administrative theories and their use in practical situations

- Sposobnost kritične presoje sodne prakse domačih in tujih upravnih sodišč;
- Sposobnost uporabe osnovnih in naprednih metodoloških pristopov pri raziskovanju vprašanj upravnih teorij in javne uprave;
- Sposobnost uporabe pridobljenih znanj pri reševanju konkretnih problemov in v delu z ljudmi v praksi;
- Sposobnost kreativne in izvirne uporabe pridobljenega znanja v navidezno nerešljivih primerih.

- Ability to placement of individual administrative theories in the overall framework of public administration;
- Development of critical thinking and analysis and interpretation of current events;
- Ability to critically judge the jurisprudence of the domestic and foreign administrative courts;
- Ability to use basic and advanced methodological approaches in exploring issues of administrative theories and public administration;
- Ability to use the acquired knowledge for solving specific problems and working with people in practice;
- Ability to use of knowledge gained creatively and inventively in the seemingly unsolvable cases.

#### **Predvideni študijski rezultati:**

##### **Znanje in razumevanje:**

- Seznanitev študentov s pojmom in razvojem upravnih teorij
- Osvojitev temeljnih vprašanj in problemov upravnopravnih teorij
- razvije zanimanje in znanje o upravnih teorijah
- razvije kritično razumevanje upravnih teorij
- zmožen/na je ustrezno umestiti posamične upravne teorije v splošni okvir javne uprave
- zmožen/na je kritične presoje ter analize in interpretacije aktualnih dogodkov
- poznavanje in kritična presoja sodne prakse domačih in tujih upravnih sodišč
- pozna in uporablja osnovne in napredne metodološke pristope pri raziskovanju vprašanj na področju upravnih teorij

#### **Intended learning outcomes:**

##### **Knowledge and understanding:**

- To introduce students to the concept and development of administrative theories
- Acquisition of the fundamental questions and problems of administrative theories.
- Develop an interest in and knowledge of administrative theories.
- Develop a critical understanding of administrative theories.
- able to the appropriately place individual administrative theories in the general framework of public administration
- Able to the critical assess and analyse the current affairs
- Knowledge and critical assessment of the jurisprudence of domestic and foreign administrative courts
- Knows and applies basic and advanced methodological approaches in exploring issues of administrative theories.

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**Metode poučevanja in učenja:**

- Predavanja z aktivno udeležbo študentov (razlaga, diskusija, vprašanja, primeri, reševanje primerov)
- Individualne in/ali skupinske konzultacije (diskusija, dodatna razlaga, obravnava specifičnih vprašanj)
- E-učenje
- Kombiniran način študija

**Learning and teaching methods:**

- Lectures with active participation of students (explanation, discussion, questions, examples, solving cases)
- Individual and / or group consultations (discussion, further explanation, specific questions)
- E-learning
- Blended Learning

| Delež (v %) /<br>Weight (in %) |      | Assessment:                                     |
|--------------------------------|------|-------------------------------------------------|
| <b>Načini ocenjevanja:</b>     |      |                                                 |
| Ustni izpit kot del rigoroza   | 100% | Oral exam as part of the »rigorous« examination |

**Pogoj za pristop k izpitu:**

|                                                     |  |                                                           |
|-----------------------------------------------------|--|-----------------------------------------------------------|
| <b>Vsaj 80% prisotnost na predavanjih in vajah.</b> |  | <b>At least 80% attendance at lectures and tutorials.</b> |
|-----------------------------------------------------|--|-----------------------------------------------------------|

**Reference nosilca / Lecturer's references:**

Jernej Letnar Čerňič je redni profesor za pravo človekovih pravic, upravno pravo in ustavno pravo na Evropski pravni fakulteti in Fakulteti za državne in evropske študije, obe Nova Univerza. Na Pravni fakulteti Univerze v Ljubljani je diplomiral leta 2002. Za diplomsko delo je prejel študentsko Prešernovo nagrado. Doktoriral je v letu 2009 iz prava človekovih pravic in mednarodnega javnega prava na Univerzi v Aberdeenu, Škotska, Združeno kraljestvo. V zadnjih letih je delal na Evropskem univerzitetnem inštitutu, Univerzi New York v Firencah, Mednarodnem kazenskem sodišču, Univerzi v Aberdeenu ter pri Evropskem varuhu človekovih pravic.

Jernej Letnar Čerňič is a Full Professor of Human Rights Law, Administrative Law and Constitutional Law at the European Faculty of Law and Faculty of Government and European Studies, both New University. He graduated from the University of Ljubljana with the France Prešeren award. He completed his Ph.D. in Law at the School of Law, University of Aberdeen, Scotland, UK. Jernej has worked at the European Ombudsman's Office, the Superior Court of the Republic of Slovenia, the

Law Institute in Ljubljana, the International Criminal Court, and has taught at the University of Aberdeen, University of Lund, New York University and European University Institute.