



NOVA  
UNIVERZA



FAKULTETA  
ZA DRŽAVNE IN  
EVROPSKE ŠTUDIJE

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	Pravna ureditev javne uprave
Course title:	Juridical regulation of Public Administration

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Javna uprava - 2. stopnja Public Administration – 2 <sup>nd</sup> degree		1	1
		1	1

Vrsta predmeta / Course type

obvezni / mandatory

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Sem. vaje Tutorial	Lab. vaje Laboratory work	Teren. vaje Field work	Samost. delo Individ. work	ECTS
30	0	0	0	0	170	8

Nosilec predmeta / Lecturer: izr. prof. dr. Boštjan Brezovnik

Jeziki / Languages:	Predavanja / Lectures: slovenski /slovenian, angleščina/english
	Vaje / Tutorial:

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

Vpis v 1. letnik.

Prerequisites:

Enrollment in the 1<sup>st</sup> year of study.

Vsebina:

Predmet »Pravna ureditev javne uprave« obravnava naslednja področja:

- Javno upravljanje, javno pravne skupnosti, država in druge, upravni proces v javnopravnih skupnostih – funkcionalni in instrumentalni, izvrševanje odločitev političnih organov, odločitve o ciljih skupnosti (javni interes), javna uprava kot izvršilna veja oblasti, vlada, ministrstva, upravne enote – interakcija med njimi, lokalne skupnosti in lokalna samouprava, nosilci javnih pooblastil in izvajalci javnih služb.
- Javna uprava, državna uprava, lokalna samouprava, javne službe – gospodarske in negospodarske. Sistemi ureditve državne

Content (Syllabus outline):

The course on »Juridical regulation of Public Administration« includes:

- Public governance, public legal communities, government, etc., the administrative process of public communities - functional and instrumental, implementation of decisions of political authorities, decisions concerning the objectives of the community (public interest), public administration as the executive branch, the government, ministries, administrative units - the interaction between them, local communities and local self-government, public authorities and public service contractors.
- Public administration, state administration, local



uprave v svetu. Poslovanje državne uprave s strankami, način poslovanja, način obveščanja javnosti, možnost posredovanja pripomb javnosti, njihovo obravnavanje in odgovarjanje nanje, poslovanje z dokumentarnim gradivom, poslovni čas. Kdo ureja ta vprašanja, vloga vlade kot regulatorja tega.

- Upravne naloge, sodelovanje državne uprave pri oblikovanju politik, državna uprava kot izvrševalec predpisov, izdajanje splošnih pravnih aktov – uredbe, pravilniki, navodila, posamični upravni akti in interna navodila za delo. Inšpeksijski nadzor nad izvajanjem predpisov, spremljanje stanja v družbi po resorjih. Razvojne naloge – spodbujanje in usmerjanje družbenega razvoja, subvencije, državne pomoči, štipendije, davčna politika. Opravljanje javnih služb.
- Upravni organi in nosilci javnih pooblastil, ministrstva, organi v njihovi sestavi, upravne enote. Javne agencije za opravljanje upravnih nalog, ki niso del državne uprave. Ministrstva, minister, državni sekretar, generalni direktorji, vodenje ministrstva. Izbera najvišjih uradnikov. Organi v sestavi, razmerje med ministrstvom in organom v sestavi, poročanje in nadzor nad organom v sestavi.
- Ministrstva in njihova delovna področja, teritorialna organizacija uprave, upravne enote in druge oblike teritorialne organiziranosti, pristojnosti, načelnik upravne enote in njegova pooblastila, razmerja med resornimi ministrstvji in upravnimi enotami, poročanje ministrstvom, nadzor ministrstev.
- Predpisi uprave.
- Načelo odprte javne uprave, dostop do informacij javnega značaja, sodelovanje javnosti pri oblikovanju in izdajanju podzakonskih predpisov, regulatorna analiza – analiza učinkov predpisa RIA.
- Javno pooblastilo, nosilci javnega pooblastila – osebe javnega prava, osebe zasebnega prava, posamezniki, način podelitve in nosilci podeljevanja, nadzor nad nosilci javnih

self-government, public services – of economic interests and social services. The regulatory system of state administration in the world. Interactions of the State Administration with customers, forms of interactions, forms of public relations, the possibility of transferring public comments, address them and answering, document management, business time. Who regulates these issues, the role of government as a regulator.

- Administrative tasks, a cooperation of the state administration in policy-making, the state administration as an executive of regulations, adopting general legal acts - regulations, guidelines, individual administrative acts, and internal instructions. Inspection supervision over the implementation of regulations, monitoring. Development tasks - promoting and guiding social development, subsidies, state aid, grants, tax policy. The provision of public services.
- Regulatory bodies and holders of public powers, Ministries, administrative units. Public agencies for performing administrative tasks that are not part of the state administration. Ministries, Minister, State Secretary, General Directors, management of the departments. Selection of the highest officials.
- Ministries and their responsibilities, Territorial organization of administration; administrative units and other forms of territorial organization; responsibilities; chief of the administrative unit; relationships between ministries and administrative units; reporting to the ministry, ministry supervision.
- The administration regulations.
- Principle of open public administration, access to public informations, public participation in the preparation of regulations, regulatory analysis - analysis of the impacts of the regulation RIA.
- Public mandate, public authorities - public entities, private persons, individuals, monitoring.
- Public services, implementation in the public interest, the exclusion from the legal regime of commercial activities, the implementation by the



pooblastil.

- Javne službe, izvajanje v javnem interesu, izvzetost iz pravnega režima tržnih dejavnosti, izvajanje po posebnem javnopravnem režimu, načini izvajanja negospodarskih in gospodarskih javnih služb – koncesija in druge oblike, razmerja med izvajalci, uporabniki in državo oz. lokalno skupnostjo.
- Lokalna samouprava, načelo subsidiarnosti, občine, pokrajine, delovanje, financiranje, nadzor nad lokalno samoupravo.
- Nadzor nad delom javne uprave, vrste nadzora – formalni in neformalni, oblike formalnega nadzora, politični nadzor.
- Upravni nadzor: interni upravni nadzor, Instančni nadzor nad posamičnimi akt, zunanji – eksterni – nadzor. Sodni nadzor – upravni spor. Varuh človekovih pravic. Informacijski pooblaščenec.
- Neodvisne javne agencije, izvršilne in regulatorne agencije.

special legal regime, the forms of public services - concessions and other forms, the relationship between performers, users and the state or the local community.

- Local self-government, the principle of subsidiarity, municipalities, province, activities, financing, supervision of local self-government.
- Supervision on the public administration activities, the forms of control - formal and informal forms, forms of formal control, political control.
- Administrative control: The internal administrative supervision, appellate supervision over individual act, external control. Judicial review - an administrative dispute. Ombudsman. Information Commissioner.
- Independent public agencies, executive and regulatory agencies.

#### Temeljni literatura in viri / Readings:

Avbelj, M. (ur.) Komentar Ustave Republike Slovenije (Nova gorica: Nova univerza).

Brezovnik, B., Trpin, G. & Pličanič, S. (2019) Sistem javne uprave (Ljubljana: Pravna fakulteta).

Brezovnik, B. Trpin, G. & Pličanič, S. (2019) Public Administration System (Maribor: Inštitut za lokalno samoupravo Maribor).

Brezovnik, B. (2008) Izvajanje javnih služb in javno-zasebno partnerstvo (Maribor: Inštitut za lokalno samoupravo in javna naročila Maribor).

Ustava Republike Slovenije in zakoni, ki urejajo področje državne uprave, javnih služb in lokalne samouprave v Republiki Sloveniji.

#### Cilji in kompetence:

Cilj predmeta je usposobiti študente za javno upravljanje države, razumevanje procesov upravljanja, razumeti pomen javno pravnih skupnosti, države in drugih skupnosti, usposobiti jih za izvajanje upravnih procesov v javnopravnih skupnostih in za izvrševanje odločitev političnih organov, sprejemati odločitve o ciljih skupnosti (javni interes). Prav tako pa se seznanijo z organizacijskimi oblikami javne uprave kot izvršilna veja oblasti, z vladom, ministrstvi, upravnimi

#### Objectives and competences:

The aim of the course is to train students for public governance, understanding of the processes of management, understand the importance of public legal communities, the state and other communities, to train them for the implementation of administrative processes in the public and legal communities and for the implementation of decisions of political authorities, to take decisions on community goals (public interest). Also, the students get informed on the organizational forms



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enotami, z interakcijo med njimi, z lokalno samoupravo, nosilci javnih pooblastil in izvajalci javnih služb.

of the public administration as the executive branch, with the government, ministries, administrative units, the interaction between them, local government, public authorities and public services.

**Predvideni študijski rezultati:**

Znanje in razumevanje:

Študentke in študenti bodo po zaključku tega predmeta:

- poznali in razumeli delovanje izvršilne veje oblasti;
- poznali in razumeli temeljne značilnosti pravne ureditve in delovanja državne uprave, javnih služb in lokalne samouprave;
- sposobni poiskati in uporabiti pravo pri razreševanju splošnih in konkretnih pravnih vprašanj.

Prenesljive / ključne spretnosti in drugi atributi:

Študentke in študenti bodo po opravljenem preizkusu znanja sposobni

- izdelati ter pisno in ustno utemeljevati ter argumentirati posamezne pravne rešitve in predloge,
- vsebinsko in nomotehnično izdelati splošne pravne akte z obravnavanih področij,
- iskati in razvrščati pravne vire.

**Intended learning outcomes:**

Knowledge and Understanding:

After completing the subject, students will

- be familiar with the operation of the executive branch of government and will understand it,
- be familiar with the basic features of legal order and state administration operation, public services and local self-government as well as they will understand them,
- be able to look for law and use it when resolving general and concrete legal issues.

Transferable/Key Skills and Other Attributes:

After passing the knowledge test, students will

- be able to give individual legal solutions and proposals by justifying them in writing and orally,
- be able to produce general legal acts (regarding to the content and they must be Nomo technically regulated) regarding the fields in question,
- be able to look for and categorize legal sources

**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

**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



- Igra vlog
- Druge vrste nastopov študentov
- Reševanje nalog
- Študijski obiski podjetij ipd.)
- Vključevanje gostov iz prakse
- Udeležba na okrogli mizi, na konferenci

- Role-play
- Different presentation
- Solving exercises
- Field work (e.g. company visits)
- Inviting guests from companies
- Attending round table and conference

**Pogoj za pristop k izpitu:**

Vsaj 80% prisotnost na predavanjih in vajah.

**Prerequisites for taking the exam:**

At least 80% attendance at lectures and tutorials.

**Način ocenjevanja:**

Način (pisni izpit, ustno izpraševanje, naloge, projekt)

**Assessment:**

Type (examination, oral, coursework, project).

Pisni izpit.

100%

Written examination.

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

1. BREZOVNIK, Boštjan, OPLOTNIK, Žan, MLINARIČ, Franjo, PADOVNIK, Srečko Aleksander, FINŽGAR, Mateja. Financing municipal tasks in Slovenia. *Hrvatska i komparativna javna uprava : časopis za teoriju i praksu javne uprave*, ISSN 1848-0357, 2019, god. 19, br. 2, str. 173-206, doi: [10.31297/hkju.19.2.1](https://doi.org/10.31297/hkju.19.2.1). [COBISS.SI-ID 5755691].
2. TOPLAK, Jurij, BREZOVNIK, Boštjan. Information delayed is justice denied : lengthy procedures deny the right to access information = Kašnjenje informacije je nedostatak pravde : dugačke procedure spriječavaju pravo na pristup informaciji. *Informatologia*, ISSN 1330-0067, 2019, vol. 52, no. 1/2, str. 1-8. [https://hrcak.srce.hr/index.php?show=clanak&id\\_clanak\\_jezik=325240](https://hrcak.srce.hr/index.php?show=clanak&id_clanak_jezik=325240), doi: [10.32914/i.52.1-2.1](https://doi.org/10.32914/i.52.1-2.1). [COBISS.SI-ID 5760555].
3. FINŽGAR, Mateja, BREZOVNIK, Boštjan. Direct international comparison of EU member states fiscal decentralization systems with the conceptual index of fiscal decentralization (CIFD) in the context of European Charter of Local Self-Government (ECLSG). *Transylvanian review of administrative sciences*, ISSN 1842-2845, 2019, no. 56 E, str. 41-59. <http://rtsa.ro/tras/index.php/tras/article/view/587>, doi: [10.24193/tras.56E.3](https://doi.org/10.24193/tras.56E.3). [COBISS.SI-ID 5701419].
4. BREZOVNIK, Boštjan, TOPLAK, Jurij. Administrative law in Slovenia. V: SCARCIGLIA, Roberto (ur.). *Administrative law in the Balkans : case studies of comparative administrative law in Albania, Bulgaria, Croatia, Serbia and Slovenia*, (Quaderni giuridici, 7). [Padova]: Cedam, cop. 2012, str. [155]-185. [COBISS.SI-ID 4424747].
5. MLINARIČ, Franjo, OPLOTNIK, Žan, BREZOVNIK, Boštjan. Key economic parameters for an optimal pharmacy network in a regulated environment. *Transylvanian review of administrative sciences*, ISSN 1842-2845, 2016, no. 49 E, str. 60-



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77. <http://rtsa.ro/tras/index.php/tras/article/view/494>, <https://dk.um.si/IzpisGradiva.php?id=66878>. [COBISS.SI-ID 5190955].
6. BREZOVNIK, Boštjan. Izvajanje javnih služb in javno-zasebno partnerstvo, (Lex localis). Maribor: Inštitut za lokalno samoupravo in javna naročila, 2008. 278 str., ilustr. ISBN 978-961-91819-4-2. [COBISS.SI-ID 242644992]