



**NOVA  
UNIVERZA**

FAKULTETA  
ZA DRŽAVNE IN  
EVROPSKE ŠTUDIJE

### UČNI NAČRT PREDMETA / COURSE SYLLABUS

|                      |                              |
|----------------------|------------------------------|
| <b>Predmet:</b>      | Upravno procesno pravo       |
| <b>Course title:</b> | Administrative Procedure Law |

| Študijski program in stopnja<br>Study programme and level | Študijska smer<br>Study field | Letnik<br>Academic year | Semester<br>Semester |
|-----------------------------------------------------------|-------------------------------|-------------------------|----------------------|
| Javna uprava - 1. stopnja                                 |                               | 2                       | 4                    |
| Public Administration – 1 <sup>st</sup> degree            |                               | 2                       | 4                    |

**Vrsta predmeta / Course type**

obvezni / mandatory

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

| Predavanja<br>Lectures | Seminar<br>Seminar | Sem. vaje<br>Tutorial | Lab. vaje<br>Laboratory work | Teren. vaje<br>Field work | Samost. delo<br>Individ. work | ECTS |
|------------------------|--------------------|-----------------------|------------------------------|---------------------------|-------------------------------|------|
| 40                     | 0                  | 40                    | 0                            | 0                         | 120                           | 8    |

**Nosilec predmeta / Lecturer:**

doc. dr. Marjan Špilar / Assist. Prof. Marjan Špilar, Phd

**Jeziki /**

**Predavanja/Lectures:**

slovenski / slovenian

**Languages:**

**Vaje / Tutorial:**

slovenski / slovenian

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

Vpis v 2. letnik.

Vsaj 80% prisotnost na predavanjih.

**Prerequisites:**

Enrollment in the 2nd year of study.

At least 80% attendance at lectures.

**Vsebina:**

|                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Splošno:<br>1.1 Opredelitev upravnega procesnega prava,<br>1.2 Splošni in posebni upravni postopki,<br>1.3 Subsidiarna in smiselna uporaba splošnega upravnega postopka,<br>1.4 Upravna zadeva,<br>2 Temeljna načela kot minimalni procesni |
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**Content (Syllabus outline):**

|                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. General:<br>1.1 The definition of administrative procedural law,<br>1.2 General and specific administrative procedures,<br>1.3 Subsidiary and meaningful use of general administrative procedure,<br>1.4 Administrative matters,<br>2 Basic principles such as the minimum |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



standardi:

- 2.1 Načelo zakonitosti,
- 2.2 Načelo varstva pravic strank in varstvo javnih koristi,
- 2.3 Načelo materialne resnice,
- 2.4 Načelo zaslišanje stranke,
- 2.5 Načelo proste presoje dokazov,
- 2.6 Načelo dolžnosti govoriti resnico in pošteno uporabljati pravice,
- 2.7 Načelo samostojnosti pri odločanju,
- 2.8 Načelo pravice pritožbe,
- 2.9 Načelo ekonomičnosti postopka,
- 3 Pristojnost za odločanje v upravnem postopku,
- 4 Stranka in njeno zastopanje,
- 5 Komuniciranje med organi in strankami,
- 6 Vročanje v upravnem postopku,
- 7 Roki ter vrnitev v prejšnje stanje
- 8 Stroški upravnega postopka
- 9 Postopek na prvi stopnji (začetek postopka in zahtevki strank, postopek do izdaje odločbe, dokazovanje, upravna odločba),
- 10 Pravna sredstva (redna in izredna pravna sredstva)
- 11 Upravna izvršba (pojem, načela, procesne predpostavke, vrste izvršb),
- 12 Upravni spor (pojem, udeleženci, faze postopka, pravna sredstva).

procedural standards:

- 2.1 The principle of legality,
- 2.2 The principle of protection of client rights and protection of public interest,
- 2.3 The principle of material truth,
- 2.4 The principle of hearing customers,
- 2.5 The principle of free evaluation of evidence,
- 2.6 The principle duty of truth and fair use rights,
- 2.7 The principle of autonomy in decision-making,
- 2.8 The principle of right of appeal,
- 2.9 The principle of procedural economy,
- 3 Jurisdiction for deciding in administrative procedure,
- 4 The party and its representation,
- 5 Communication between authorities and parties,
- 6 Service in administrative procedure,
- 7 Time limits and reinstatement of a case,
- 8 Costs of administrative procedure,
- 9 Procedure at the first instance (initiation of the procedure and claims by the parties, procedure preceding decision, presenting evidence, administrative decision),
- 10 Legal remedies (regular and extraordinary legal remedies),
- 11 Administrative enforcement (concept, principles, procedural assumptions, types of enforcement),
- 12 Administrative dispute (concept, participants, stages of the procedure, legal remedies).

**Temeljni literatura in viri / Readings:**



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1. Kerševan Erik, Androjna Vilko: Upravno procesno pravo. GV Založba, Ljubljana 2018.
2. Jerovšek Tone, Kovač Polonca. Upravni postopek in upravni spor. 5. ponatis, 2. dop. izdaja, Univerza v Ljubljani, Fakulteta za upravo, Ljubljana 2021.
3. Kovač Polonca, Kerševan Erik (ur.): Komentar Zakona o splošnem upravnem postopku ZUP). Uradni list RS in Pravna fakulteta Univerze v Ljubljani, Ljubljana 2020 (1. in 2. del).
4. Kovač Polonca: Kodifikacija upravnega postopka kot dejavnik moderne javne uprave. V: Državna uprava, ustavna demokracija in mednarodno pravo (P. Jambrek ur.). Nova univerza, Znanstvena založba, Nova Gorica, 2022.
5. Harlow Carol, Rawlings Richard: Process and procedure in EU Administration. Oxford, Portland, Oregon, Hart Publishing, 2014.
6. Stober Rolf, Kluth Winfried, Korte Stefan, Eisenmenger Sven, Wolf J. Hans, Bachof Otto: Verwaltungsrecht I. 13. izdaja, C. H. Beck, München, 2019.

#### **Cilji in kompetence:**

Cilj predmeta je, na temelju pozitivnopravne ureditve in sodnih judikatov spoznavati upravno procesno pravo.

Študentje spoznavajo procesne standarde in pravice ter obveznosti strank ter uradnih oseb v postopkih uveljavljanja pravic in nalaganja obveznosti pred organi uprave in drugimi organi, ki odločajo v upravnih stvareh. Upravni postopek izvršilni oblasti nalaga predvidljivo postopanje in preprečuje samovoljo. Študentje se seznanjajo z dovoljenimi oblikami procesne komunikacije med stranko in organom in se usposablajo za vodenje postopka in za odločanje v upravnih stvareh.

#### **Kompetence:**

Doseženo znanje omogoči posameznemu študentu spoznavati možne interpretacije procesnih pravic strank in obveznosti organov pri odločanju v upravnih in upravno sodnih postopkih.

#### **Objectives and competences:**

The aim of this course is to learn about the administrative procedural law on basis of valid regulation, administrative decisions and jurisprudence.

Students learn about procedural standards and rights and obligations of the parties and officers in procedures in which it is being decided upon rights and obligations of the parties in the administrative matters. Administrative procedure demands that the executive branch act predictable and not arbitrary. Students get acquainted with the permitted forms of communication process between the client and the body and are trained to manage the process and to decide on administrative matters.

#### **Cometences:**

Accumulated Knowledge allows individual students to learn about the possible interpretations of the procedural rights and obligations of the parties in decision-making bodies in the administrative and administrative litigation.

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

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



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**Znanje in razumevanje:**

Po uspešno zaključenem predmetu bodo študentje:

- razumeli delovanje slovenskega upravnega procesnega prava,
- sposobni vodenja enostavnih upravnih postopkov,
- sposobni sprejemati odločitve v upravnih postopkih.

**Knowledge and understanding:**

After successful completion of the course, students will:

- understand the Slovenian administrative procedural law,
- be able to exercise simple administrative procedure,
- be able to render decisions in administrative proceedings.

**Metode poučevanja in učenja:**

- teoretična predavanja z različnimi razpravami o aktualni upravi in sodni praksi,
- vaje,
- samostojno učenje, e-učenje.

**Learning and teaching methods:**

- theoretical lectures, including various discussions on the current administrative and judicial practice,
- tutorials,
- self-directed learning, e-learning.

Delež (v %) /

Weight (in %)

**Načini ocenjevanja:**

**Assessment:**

|                                                                                                                                                                |       |                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------------------------------------------------------------------------------------------------------------------------------------|
| Pisni ali ustni izpit, ki se oceni z ocenjevalno lestvico od 5 do 10 (od 6 do 10 pozitivne ocene oziroma 5 negativna ocena), v skladu s pravilnikom fakultete. | 100 % | Written or oral exam, graded on the scale 5 to 10 (from 6 to 10 pass and 5 fail), in accordance with the regulations of the faculty. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------------------------------------------------------------------------------------------------------------------------------------|

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

Doc. dr. Marjan Špilar je na Fakulteti za državne in evropske študije habilitiran za področje javne uprave. Diplomiral, magistriral in doktoriral je na Pravni fakulteti Univerze v Mariboru. Na upravnem in davčnem področju ima več letne delovne izkušnje. Zaposlen je v finančni upravi Republike Slovenije. Predmet njegovega proučevanja je materialno in procesno davčno pravo ter upravno procesno pravo.

Bibliografija:

[https://bib.cobiss.net/bibliographies/si/webBiblio/bib201\\_20231003\\_111132\\_a30942563.html](https://bib.cobiss.net/bibliographies/si/webBiblio/bib201_20231003_111132_a30942563.html)

Marjan Špilar, PhD, is an Assistant Professor at the Faculty of Government and European Studies, where he obtained habilitation in the field of public administration. He received his Bachelor's, Master's degree, and PhD at the Faculty of Law, University of Maribor. He has extensive work experience in the field of administration and taxation and is currently employed at the Financial Administration of the Republic of Slovenia. His main field of research is substantive and



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procedural tax law and administrative procedure law.

Bibliography:

[https://bib.cobiss.net/bibliographies/si/webBiblio/bib201\\_20231003\\_111322\\_a30942563.html](https://bib.cobiss.net/bibliographies/si/webBiblio/bib201_20231003_111322_a30942563.html)