



**NOVA
UNIVERZA**

FAKULTETA
ZA DRŽAVNE IN
EVROPSKE ŠTUDIJE

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	Upravno procesno pravo
Course title:	Administrative Procedure Law

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

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
40	0	40	0	0	120	8

Nosilec predmeta / Lecturer:

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

**Jeziki /
Languages:**

**Predavanja /
Lectures:**

slovenski /
slovenian

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:
 - 1.1 Opredelitev upravnega procesnega prava
 - 1.2 Splošni in posebni upravni postopki
 - 1.3 Subsidiarna in smiselna uporaba splošnega upravnega postopka
 - 1.4 Upravna zadeva

Content (Syllabus outline):

1. General:
 - 1.1 The definition of administrative procedural law
 - 1.2 General and specific administrative procedures
 - 1.3 Subsidiary and meaningful use of general administrative procedure
 - 1.4 Administrative matters



2 Temeljna načela kot minimalni procesni 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 4 Stranka in njeno zastopanje 5 Komuniciranje organov in strank 6 Vročanje 7 Roki ter vrnitev v prejšnje stanje 8 Stroški postopka 9 Postopek na prvi stopnji 10 Upravni akti 11 Pritožba kot redno pravno sredstvo 12 Izredna pravna sredstva 13 Upravna izvršba 14 Upravni spor	2 Basic principles such as the minimum 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 4 The party and its representation 5 Communication between authorities and clients 6 Delivery 7 Deadlines and restitution 8 Costs of proceedings 9 Proceedings at first instance 10 Administrative acts 11 Appeal as a regular legal remedy 12 Extraordinary legal remedies 13 Administrative enforcement
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14 Administrative dispute

Temeljni literatura in viri / Readings:

- KERŠEVAN, Erik, in ANDROJNA, Vilko: Upravno procesno pravo. GV Založba, Ljubljana 2018.
- JEROVŠEK, Tone, KOVAČ, Polonca. Upravni postopek in upravni spor. 4. ponatis, 2. dop. izdaje, Univerza v Ljubljani, Fakulteta za upravo, Ljubljana 2020.
- 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).
- STOBER, Rolf, KLUTH, Winfried, KORTE, Stefan, in EISENMENGER, Sven: Verwaltungsrecht I. 13. izdaja, C. H. Beck, München 2017.

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. 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. 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 procedures
- be able to render decisions in administrative proceedings.

Metode poučevanja in učenja:

- teoretična predavanja z različnimi razpravami o aktualni upravni 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 %) /

Načini ocenjevanja:

Weight (in %)

Assessment:

Pisni ali ustni izpit	100 %	Written or oral exam
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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_20210621_133014_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 procedural tax law and administrative procedure law.

Bibliography:

https://bib.cobiss.net/bibliographies/si/webBiblio/bib201_20210621_133014_a30942563.html