



**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:

Izr.prof. dr. Tone Jerovšek

Izvajalec predmeta: 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

Content (Syllabus outline):

1. General:
 - 1.1 The definition of administrative procedural law
 - 1.2 General and specific administrative procedures



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1.3 Subsidiarna in smiselna uporaba splošnega upravnega postopka	1.3 Subsidiary and meaningful use of general administrative procedure
1.4 Upravna zadeva	1.4 Administrative matters
2 Temeljna načela kot minimalni procesni standardi:	2 Basic principles such as the minimum procedural standards:
2.1 Načelo zakonitosti	2.1 The principle of legality
2.2 Načelo varstva pravic strank in varstvo javnih koristi	2.2 The principle of protection of client rights and protection of public interest
2.3 Načelo materialne resnice	2.3 The principle of material truth
2.4 Načelo zaslišanje stranke	2.4 The principle of hearing customers
2.5 Načelo proste presoje dokazov	2.5 The principle of free evaluation of evidence
2.6 Načelo dolžnosti govoriti resnico in pošteno uporabljati pravice	2.6 The principle duty of truth and fair use rights
2.7 Načelo samostojnosti pri odločanju	2.7 The principle of autonomy in decision-making
2.8 Načelo pravice pritožbe	2.8 The principle of right of appeal
2.9 Načelo ekonomičnosti postopka	2.9 The principle of procedural economy
3 Pristojnost	3 Jurisdiction
4 Stranka in njeno zastopanje	4 The party and its representation
5 Komuniciranje organov in strank	5 Communication between authorities and clients
6 Vročanje	6 Delivery
7 Roki ter vrnitev v prejšnje stanje	7 Deadlines and restitution
8 Stroški postopka	8 Costs of proceedings
9 Postopek na prvi stopnji	9 Proceedings at first instance
10 Upravni akti	10 Administrative acts
11 Pritožba kot redno pravno sredstvo	11 Appeal as a regular legal remedy
12 Izredna pravna sredstva	
13 Upravna izvršba	



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14 Upravni spor

12 Extraordinary legal remedies

13 Administrative enforcement

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

Načini ocenjevanja:

Delež (v %) /

Weight (in %)

Assessment:

Pisni ali ustni izpit	100 %	Written or oral exam
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Reference nosilca / Lecturer's references:

Izr. prof. dr. Tone Jerovšek Prof. dr. Tone Jerovšek je vodilni slovenski strokovnjak za področje javne uprave, upravnega procesnega in davčnega prava. Njegova bibliografija je dostopna tu: <http://splet02.izum.si/cobiss/bibliography?code=05297&langbib=eng>.

Assoc. Prof. Tone Jerovšek PhD is a leading Slovenian expert in the field of Public administration, Administrative procedural law and Tax law. His bibliography is available here: <http://splet02.izum.si/cobiss/bibliography?code=05297&langbib=eng>.

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,



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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