



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 - 2. stopnja		1	1
Public Administration – 2 st degree		1	1

Vrsta predmeta / Course type

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	0	0	0	160	8

Nosilec predmeta / Lecturer:

Jeziki / Languages: **Predavanja / Lectures:**
Vaje / Tutorial:

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

Prerequisites:

Vsebina:

1. Splošno:
a. Opredelitev upravnega procesnega prava.
b. Splošni in posebni upravni postopki.
c. Subsidiarna uporaba splošnega

Content (Syllabus outline):

1. General:
a. The definition of administrative procedural law.
b. General and specific administrative procedures.
c. Subsidiary use of general



upravnega postopka.
d. Upravna zadeva.

2. Temeljna načela kot minimalni procesni standardi:

- a. Načelo zakonitosti,
- b. Načelo materialne resnice
- c. Načelo zaslišanje stranke
- d. Načelo proste presoje dokazov
- e. Načelo dolžnosti govoriti resnico in pošteno uporabljati pravice
- f. Načelo samostojnosti pri odločanju
- g. Načelo pravice pritožbe
- h. Načelo ekonomičnosti postopka

3. Pristojnost

4. Stranka in njeno zastopanje

5. Komuniciranje organov in strank

6. Roki ter vrnitev v prejšnje stanje

7. Postopek na prvi stopnji

8. Upravni akti

9. Pritožba kot redno pravno sredstvo

10. Izredna pravna sredstva:

- a. Obnova postopka
- b. Sprememba in odprava dokončne odločbe v zvezi z upravnim sporom
- c. Odprava in razveljavitev dokončne odločbe po nadzorstveni pravici
- d. Izredna razveljavitev izvršljive odločbe

administrative procedure.
d. Administrative matter.

2. Basic principles such as the minimum procedural standards:

- a. The principle of legality,
- b. The principle of material truth
- c. The principle of hearing customers
- d. The principle of free evaluation of evidence
- e. The principle duty of truth and fair use rights
- f. The principle of autonomy in decision-making
- g. The principle of right of appeal
- h. The principle of procedural economy

3. Jurisdiction

4. The party and its representation

5. Communication between authorities and clients.

6. Deadlines and *restitutio in integrum*

7. Proceedings at first instance

8. Administrative acts

9. Appeal as a regular legal remedy

10. Extraordinary legal remedies:

- a. Procedure renewal
- b. Modification and removal of the final decision with regard to the administrative dispute
- c. Registration and cancellation of



<p>e. Ničnost odločbe</p> <p>11. Upravna izvršba 12. Temelji upravnega spora</p>	<p>the final decision upon the right of supervision</p> <p>d. Extraordinary cancellation of an enforceable decision e. Annulment of the decision</p> <p>11. Administrative enforcement 12. Administrative dispute 101</p>
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Temeljni literatura in viri / Readings:

Obvezna:

- GRAFENAUER, Božo, in BREZNIK, Janez: Upravno pravo – procesni del. GV Založba, Ljubljana 2009.
- KERŠEVAN, Erik, in ANDROJNA, Vilko: Upravno procesno pravo. 2. izdaja, IUS Software (GV Založba), Ljubljana 2017.
- JEROVŠEK, Tone, KOVAČ, Polonca. Upravni postopek in upravni spor. 2. izdaja, Fakulteta za upravo, Ljubljana 2016.
- CANE, Peter: Administrative Law. 5. izdaja, Oxford University Press, Oxford 2011.
- CRAIG, Paul: Administrative Law, 7. izdaja, Sweet & Maxwell, London 2012.
- CRAIG, Paul: UK, EU and Global Administrative Law: Foundations and Challenges. Cambridge University Press, Cambridge 2015.

Priporočena:

- AVBELJ, Matej (ur.): Komentar Ustave Republike Slovenije. Nova univerza, Evropska pravna fakulteta, Nova Gorica 2019 (izbrane teme).
- KERŠEVAN, Erik (ur.): Zakon o upravnem sporu s komentarjem. Lexpera (GV Založba), Ljubljana 2019.
- KOVAČ, Polonca in KERŠEVAN, Erik (ur.): Komentar Zakona o splošnem upravnem postopku. Uradni list Republike Slovenije in Pravna fakulteta Univerze v Ljubljani, Ljubljana 2020.
- SINGH, Mahendra P.: German Administrative Law in Common Law Perspective. 2. izdaja, Springer, Berlin, Heidelberg, New York, Barcelona, Hongkong, London, Mailand, Pariz, Tokio 2010.
- BROWN, Lionel Neville, in Bell, John S.: French Administrative Law. 5. izdaja. Clarendon Press, Oxford 1998.
- CRAIG, Paul: EU Administrative Law. 3. izdaja, Oxford University Press, Oxford 2018.

Cilji in kompetence:

Objectives and competences:



Cilj predmeta je študentom predstaviti osnove Zakona o splošnem upravnem postopku in Zakona o upravnem sporu.

Študentje so na podlagi pridobljenega znanja spoznajo, kaj je upravni postopek, kdaj se upravni postopek uporablja za pridobivanje pravic, pravnih interesov ter nalaganje pravic. Študentje razumejo tudi, katere vrste postopkov ureja Zakon o splošnem upravnem postopku in temeljne značilnosti vsakega od njih. V okviru predmeta spada tudi poznavanje osnov upravnega spora v delu, kjer ta predstavlja sodni nadzor nad zakonitostjo upravnih aktov.

The objective of the course is to present to the students the basics of the General Administrative Procedure Act and the Administrative Dispute Act.

On the basis of the acquired knowledge, students learn about what is the administrative procedure, when the administrative procedure is used to obtain rights, legal interests and rights. Students also understand which types of procedures are governed by the General Administrative Procedure Act and the basic characteristics of each of them. The subject also includes knowledge of the basics of administrative dispute in the part where it represents judicial review of the legality of administrative acts.

Predvideni študijski rezultati:

Znanje in razumevanje:

Po uspešno zaključenem predmetu bodo študentje:

1. Vedeli, kako poteka splošni upravni postopek na prvi stopnji.
2. Spoznali osnovne značilnosti pravnih sredstev in upravne izvršbe.
3. Razumeli, da sodišča odločajo o zakonitosti odločitev upravnih organov.

Intended learning outcomes:

Knowledge and understanding:

After successfully completing the course, students will:

1. Know how the general administrative procedure is taking place at the first instance.
2. Get to know the basic characteristics of legal remedies and administrative enforcement.
3. Understand that the courts decide on the legality of the decisions of the administrative bodies.

Metode poučevanja in učenja:

Teoretična predavanja s poenostavljenimi primeri iz vsakdanje prakse. Samostojno učenje. E-učenje.

Learning and teaching methods:

Theoretical lectures with simplified examples from everyday practice. Self-study. E-learning.

Načini ocenjevanja:

Assessment:



Pisni izpit	100 %	Written exam
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Pogoji za pristop k izpitu:

Vsaj 80% prisotnost na predavanjih in vajah.		At least 80% attendance at lectures and tutorials.
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Reference nosilca / Lecturer's references:

Doc. dr. Jernej Podlipnik je habilitiran za področje javna uprava na Fakulteti za državne in evropske študije. Diplomiral in doktoriral je na Pravni fakulteti Univerze v Ljubljani, preden je pričel sodelovati s Fakulteto za državne in evropske študije je služboval kot odvetniški pripravnik, strokovni sodelavec na Vrhovnem sodišču in davčni ter pravni svetovalec. Predmet njegovega proučevanja je predvsem materialno in procesno davčno pravo, poleg tega pa tudi z drugimi upravnimi postopki (splošnim in posebnimi) ter upravnim sporom.

Bibliografija: <http://splet02.izum.si/cobiss/bibliography?code=36387>.

Assist. Prof. Jernej Podlipnik, PhD habilitation field is Public Administration at Graduate School of Government and European Studies. He graduated and received his doctorate at the Faculty of Law, University of Ljubljana, before he began to work with Graduate School of Government and European Studies, he served as a trainee lawyer, legal secretary at the Supreme Court and the Tax and Legal Adviser. The subject of his study is mainly substantive and procedural tax law, as well as other administrative procedures (general and specific), and administrative dispute.

Bibliography: <http://splet02.izum.si/cobiss/bibliography?code=36387>.