UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	**Upravni postopek in upravni spor**
Course title:	**Administrative procedure and administrative dispute**

Študijski program in stopnja **Study programme and level**	**Študijska smer** **Study field**	**Letnik** **Academic year**	**Semester** **Semester**
Pravo 1. stopnje		3	1
Law 1st Degree		3	1

Vrsta predmeta / Course type:	obvezni/mandatory
Koda predmeta /Course code:	

Predavanja **Lectures**	**Seminar** **Seminar**	**Vaje** **Tutorial**	**Druge oblike študija** **Other type study**	**Samost. delo** **Individual work**	**ECTS**
50	0	10	0	90	6

Nosilec predmeta / Lecturer:		doc. dr. Martin Dekleva/ Assist.Prof. Martin Dekleva, PhD
Jeziki/Languages:	Predavanja / Lectures:	slovenski jezik/Slovenian
	Seminar / Seminar:	slovenski jezik/Slovenian

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:	**Prerequisites:**
Vpis v 3. letnik dodiplomskega študija. Zahteva se vsaj 80 % prisotnost na predavanjih in vajah.	Enrollment in the 3rd year of undergraduate study. At least 80% attendance at lectures and tutorials is required.

Vsebina:	**Content (Syllabus outline):**
Predmet Upravni postopek in upravni spor obravnava osnovne pojme upravnega procesnega prava (upravna zadeva, javnopravna zadeva, subsidiarna in smiselna uporaba pravil splošnega upravnega postopka), temeljna načela upravnega postopka, stranke in druge udeležence v postopku upravnega odločanja, komuniciranje med organi in strankami ter drugimi udeleženci v postopku, roke za opravo procesnih dejanj v upravnem postopku, stroške upravnega postopka, potek postopka na prvi stopnji (skrajšani in posebni ugotovitveni postopek), izdajo odločbe, pravna sredstva zoper prvostopenjsko odločbo, izvršbo ter sodni nadzor nad zakonitostjo dokončnih upravnih aktov. Predmet na dodiplomski ravni študija obravnava predvsem vprašanja, povezana z obveznostjo uporabe pravil splošnega in posebnih upravnih postopkov, z vsebino temeljnih načel upravnega postopka ter s posledicami njihove kršitve, povezana s pogoji za priznanje statusa stranke ali stranskega udeleženca, z vprašanji vlaganja vlog in vročanja, s procesnimi, prekluzivnimi in instrukcijskimi roki ter posledicami njihovega poteka, z vprašanji dopustnosti skrajšanega postopka in z vprašanji vodenja posebnega ugotovitvenega postopka	The course on Administrative Procedures and Judicial Review of Administrative Acts on the undergraduate level includes its following basic concepts: the basic concepts of administrative procedural law (administrative matter, public law matter, subsidiary and reasonable application of the rules of general administrative procedure), basic principles of administrative procedure, parties and other participants in administrative decision-making, communication between authorities and parties and others. participants in the proceedings, deadlines for performing procedural acts in administrative proceedings, costs of administrative proceedings, course of proceedings at first instance (abbreviated and special declaratory proceedings), issuance of decisions, legal remedies against first instance decisions, enforcement and judicial review of legality of final administrative acts. The course deals at the undergraduate level primarily with issues related to the obligation to

(ugotavljanje dejstev z izvajanjem dokazov), z vprašanji razlikovanja med rednimi in izrednimi pravnimi sredstvi ter pogoji za njihovo vlaganje v upravnem postopku, z vprašanji, povezanimi z dončnostjo, pravnomočnostjo in izvršljivostjo upravne odločbe ter z načini njene izvršitve, ter z vprašanji, povezanimi s pogoji za začetek sodnega varstva zoper dokončne upravne akte ter njegovim potekom. Pri predmetu se obravnava obstoječa abstraktna pravna ureditev in ravnanje organov v konkretnih primerih. Na podlagi splošnih spoznanj o ustavnosti in zakonitosti delovanja na obravnavanem področju, se upravnopravne zadeve osvetlijo še z obravnavanjem konkretnih primerov upravnopravnega delovanja upravnih organov in sodnega nadzora nad tem delovanjem. Pri posameznih temah bo predstavljen aktualen razvoj doktrine in prakse.	apply the rules of general and special administrative procedures, the content of the basic principles of administrative procedure and the consequences of their violation, related to the conditions for recognizing the status of client or side participant. procedural, preclusive and instructional deadlines and the consequences of their course, issues of admissibility of summary proceedings and issues of conducting a special declaratory procedure (establishing facts by presenting evidence), issues of distinguishing between regular and extraordinary legal remedies and conditions for their filing in administrative proceedings, with issues related to the validity, finality and enforceability of the administrative decision and the methods of its execution, as well as with issues related to the conditions for the commencement of judicial protection against final administrative acts and its course. The course deals with the existing abstract regulation and conduct of bodies in concrete cases. On the basis of general knowledge about the constitutionality and legality of the action in this area, this course examines concrete application of administrative law in the case law of administrative bodies and judicial authorities who supervise them. Within the selected topics, the current development of doctrine and practice will be presented.

Temeljna literatura in viri / Readings:

Obvezna / Compulsory:

Kerševan, Erik in Androjna, Vilko (2017): Upravno procesno pravo: upravni postopek in upravni spor, 2., predelana in dopolnjena izd., IUS Software, GV založba, Ljubljana.

Kovač, Polonca in Kerševan, Erik (ur.) (2026): Zakon o splošnem upravnem postopku: novela ZUP-I z uvodnimi pojasnili in ključnimi poudarki, Tax-Fin-Lex, Ljubljana.

Jerovšek, Tone in Kovač, Polonca (2021): Upravni postopek in upravni spor, predelana in dopolnjena 2. izd., Fakulteta za upravo, Ljubljana.

Čebulj, Janez in drugi (2024): Komentar Zakona o splošnem upravnem postopku (ZUP), Uradni list Republike Slovenije, Pravna fakulteta Univerze, Ljubljana.

Dobravec Jalen, Mira in drugi (2019): Zakon o upravnem sporu: (ZUS-1): s komentarjem, Lexpera, GV založba, Ljubljana.

Kerševan, Erik (2023): Zakon o upravnem sporu (ZUS-1): z novelo ZUS-1C, Lexpera, GV založba, Ljubljana.

Predpisi, ki bodo sporočeni na predavanjih oz. vajah.

Cilji in kompetence:		**Objectives and competences:**
Študentje bodo razvili **splošne kompetence**: • uporaba ustreznih metod argumentacije v pravu, njihovih postopkov, analize in sinteze; • razvoj etičnih sposobnosti pri uresničevanju načel in pravil upravnega procesnega prava; • sposobnost skupinskega dela in pripravljenosti za sodelovanja pri reševanju konkretnih primerov s področja upravnega procesnega prava; • razvoj komunikacijskih sposobnosti in veščin pri razumevanju in uresničevanju upravnega procesnega prava; • razvoj veščin javnega nastopanja in predstavitev pri obravnavi institutov upravnega procesnega prava; • razvoj ustvarjalnosti in sposobnosti premagovanja problemov pri uporabi načel in pravil upravnega procesnega prava; • razvoj sposobnosti vodenja postopkov pri reševanju konkretnih primerov s področja upravnega procesnega prava; • razvoj sposobnosti uporabe interdisciplinarnih znanj pri reševanju zadev s področja upravnega procesnega prava; • sposobnost upravljanja s človeškimi viri za potrebe vodenja upravnih in upravno sodnih postopkov; • uporaba teoretičnega znanja v praksi.		Students will develop the following **general competences**: • the use of appropriate methods of legal research, their procedures, analysis and synthesis; • developing ethical skills in the implementation of the principles and rules of administrative procedure law; • ability to work together to solve specific cases in the field of administrative procedure law; • development of communication skills and competences in the understanding and implementation of administrative procedure law; • developing public speaking and presentation skills when dealing with administrative procedures law institutes; • developing creativity and the ability to overcome problems in applying the principles and rules of administrative procedure law; • developing procedure skills in resolving administrative and other public law cases; • developing the ability to use interdisciplinary knowledge in the resolution of administrative procedure law and judicial review cases; • application of theoretical knowledge in concrete cases.
Študentje bodo razvili **predmetno-specifične kompetence**: • poznavanje in razumevanje osnovnih pravnih pojmov, pravnih načel in pravil s področja upravnega procesnega prava; družbenih procesov ter sposobnost za njihovo analizo, sintezo in predvidevanje rešitev in njihovih posledic; • razumevanje pomembnosti uporabe ustavnih procesnih načel in temeljnih načel upravnega procesnega prava za delovanje pravne države ; • razvoj sposobnosti dostopati do domače in tuje sodne prakse; • sposobnost samostojnega in avtonomnega študijskega dela; • razvoj sposobnosti kritično analizirati pravne vire in pravna besedila; • kritična refleksija obstoječih pravnih virov in ocena njihove potrebnosti in kakovosti; • uporaba pojmov, načel in pravnih pravil pri reševanju konkretnih primerov iz upravne procesne in upravno sodne prakse; • sposobnost kritične strokovne razprave in analize o temeljnih pojmih, načelih in pravil upravnega procesnega prava; • razumevanje in sposobnost ocene kakovosti delovanja institucij, ki v okviru upravnega		Students will develop the following **course-specific competences:** • knowledge and understanding of fundamental legal concepts, legal principles and rules in the field of administrative procedure law; social processes and the ability to analyse, synthesize and anticipate solutions and their consequences; • understanding the importance of applying constitutional process principles and basic principles of administrative procedure law to the functioning of the rule of law; • developing the capacity to access domestic and foreign jurisprudence; • ability to study independently and autonomously; • developing the ability to critically analyse legal sources and legal texts; • a critical reflection on existing legal sources and an assessment of their need and quality; • the application of concepts, principles and legal rules to the resolution of specific cases from administrative procedures jurisprudence; • ability to critically discuss and analyse expertly the fundamental concepts, principles and rules of administrative procedures law;

procesnega prava odločajo o upravnih in drugih javnopravnih zadevah; • razvoj veščin in spretnosti v uporabi znanja na področju upravnega procesnega prava; • uporaba informacijsko-komunikacijske tehnologije in informacijskih sistemov.	• understanding and ability to assess the quality of functioning institutions deciding in frame of administrative procedure law on administrative cases; • development of skills in the application of knowledge in the field of administrative procedural law; • use of information and communication technology and information systems.

Predvideni študijski rezultati: **Znanje in razumevanje:**	**Intended learning outcomes:** **Knowledge and understanding:**
Študent bo: • seznanjen s pojmom in razvojem splošnega in posebnih upravnih postopkov in sodnega nadzora nad delom uprave ter z njihovimi temeljnimi inštituti; • osvojil temeljna znanja vodenja postopka in odločanja v upravnem postopku in upravnem sporu; • razvil zanimanje in znanje o upravnem procesnem pravu in sodnem nadzoru v okviru upravnega spora; • razvil kritično razumevanje upravnega procesnega prava; • zmožen kritične presoje ter analize in interpretacije dogodkov in usmeritev iz upravnega procesnega prava v sodobnem obdobju; • sposoben kritično oceniti in se opredeliti do prakse upravnih organov, upravnih sodišč in ustavnega sodišča; • sposoben kritično obravnavati varstvo človekovih pravic in temeljnih svoboščin v upravnem procesnem pravu; • sposoben ustrezno umestiti pravico do dobrega upravljanja na področju vodenja splošnega in posebnih upravnih postopkov ter upravnega spora; • sposoben kritično presojati, analizirati in razlagati dogodke in politike, povezane z vidiki upravnega procesnega prava v sodobnem obdobju; • poznati in uporabljati osnovne metodološke pristope pri raziskovanju vprašanj upravnega procesnega prava; • znati napisati osnutek posamičnega upravnega akta.	**Students will:** • become familiar with the concepts and development of general and special administrative procedures and judicial control over the work of the administration and with their basic institutes; • get the basic knowledge of procedure management and decision-making in administrative proceedings and administrative disputes; • develop interest and knowledge of administrative procedural law and judicial control in the context of an administrative dispute; • develop a critical understanding of administrative procedural law; • be able to make critical judgments and analyzes and interpret events and orientations from administrative procedural law in the modern period; • be able to critically assess and comment on the practice of administrative bodies, administrative courts and the Constitutional Court; • be able to critically address the protection of human rights and fundamental freedoms in administrative procedural law; • be able to properly place the right to good administration in the management of general and special administrative procedures and administrative disputes; • be able to critically assess, analyze and interpret events and policies related to aspects of administrative procedural law in the modern period; • know and use basic methodological approaches in researching issues of administrative procedural law; • be able to draft a concrete administrative act.

Metode poučevanja in učenja:	**Learning and teaching methods:**
Oblike dela: ☒ Frontalna oblika poučevanja ☒ Delo v manjših skupinah oz. individualno ☒ Samostojno delo študentov ☒ Študij s pomočjo IKT tehnologij ☐ drugo (vpišite) _____	**Types of learning/teaching:** ☒ Frontal teaching ☒ Work in smaller groups or individual work ☒ Independent students work ☒ Study with the help of ICT technologies ☐ other _____

Metode (načini) dela:	Teaching methods:
☒ Razlaga	☒ Explanation
☒ Razgovor/ diskusija/debata	☒ Conversation/discussion/debate
☒ Delo z besedilom	☒ Work with texts
☒ Proučevanje primerov raziskav	☒ Research case studies
☐ Igra vlog	☐ Role-play
☒ Druge vrste nastopov študentov	☒ Different presentation
☒ Reševanje nalog/vaje	☒ Solving exercises/study exercises
☐ Študijski obiski podjetij ipd.)	☐ Field work (e.g. company visits)
☒ Vključevanje gostov iz prakse	☒ Inviting guests from companies
☐ Udeležba na okrogli mizi, na konferenci	☐ Attending round table and conference

Načini ocenjevanja: Način (pisni izpit, ustno izpraševanje, naloge, projekt)	Teža (v %) / Weight (in %)	Assessment: Type (examination, oral, coursework, project)
Sprotno ustno (aktivno sodelovanje pri kontaktnih urah in pri raziskavah)		Oral verification and assessment of knowledge
Sprotno pisno preverjanje znanja (krajši pisni izdelki)		Written verification and assessment of knowledge (short written casework)
Daljši pisni izdelki (seminarska naloga, projektna naloga, raziskovalna poročila)		Longer written casework
Javni nastop in predstavitev lastnega raziskovalnega dela		Public presentation of one's research
Končni ustni izpit		Final examination (oral)
Končni pisni izpit	**90 %**	Final examination (written)
Priprava osnutka odločitve upravnega organa v konkretnem primeru v skladu z navodili, ki so sporočena na predavanjih (pogoj za priznavanje te ocene je pozitivno ocenjen pisni izpit).	**10 %**	Preparation of a draft decision of an administrative authority in a specific case, in accordance with the instructions provided during lectures (a positively graded written exam is a condition for the recognition of this grade).

Reference nosilca / Lecture's references:

Martin Dekleva je docent za Upravno pravo in Pravo javne uprave na Evropski pravni fakulteti (Nova univerza). Diplomiral je leta 2012 na Pravni fakulteti Univerze v Ljubljani. Na isti fakulteti je leta 2017 tudi doktoriral s področja upravnega prava. Leta 2015 je opravil pravniški državni izpit. Dejaven je tako v praksi kot na znanstveno-raziskovalni ravni. Zaposlen je kot svetovalec na Ustavnem sodišču Republike Slovenije, bil pa je tudi odvetnik in strokovni sodelavec na Upravnem sodišču Republike Slovenije. V okviru svojega dela je med drugim sodeloval pri oblikovanju zakonodaje, ki je povezana z upravnopravnim področjem, pripravljal je različna pravna mnenja in se udejstvoval tudi na mednarodni ravni. Je avtor več strokovnih in znanstvenih člankov.
E-povezava do bibliografije v sistemu SICRIS: https://cris.cobiss.net/ecris/si/sl/researcher/55633.

Martin Dekleva is an Assistant Professor in the field of Public Administration and Administrative Law at the European Faculty of Law (New University). He graduated in 2012 from the Faculty of Law at the University of Ljubljana. At the same faculty he also obtained his PhD in administrative law in 2017. In 2015, he passed the state bar exam. He is active both in practice and at the scientific-research level. He works as an advisor at the Constitutional Court of the Republic of Slovenia and has also been a senior associate in a law firm and a legal assistant at the Administrative Court of the Republic of Slovenia. In the context of his work, he has participated in drafting legislation related to administrative law, prepared various legal opinions and has been active internationally. He is the author of several professional and scientific articles.
Electronic link to the bibliography in the SICRIS system: https://cris.cobiss.net/ecris/si/sl/researcher/55633.