UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	**Upravno pravo in upravni postopek**
Course title:	**Administrative law and administrative procedure**

Študijski program in stopnja **Study programme and level**	**Študijska smer** **Study field**	**Letnik** **Academic year**	**Semester** **Semester**
Pravo in management nepremičnin 3. stopnje		2	1
Law and Management of Real Estate 3rd Degree		2	1

Vrsta predmeta / Course type:	izbirni/elective
Koda predmeta /Course code:	

Predavanja **Lectures**	**Seminar** **Seminar**	**Vaje** **Tutorial**	**Druge oblike študija** **Other type study**	**Samost. delo** **Individual work**	**ECTS**
20	0	0	0	230	10

Nosilec predmeta / Lecturer:		prof. dr. Jernej Letnar Černič/ Prof. Jernej Letnar Černič, PhD
Jeziki/Languages:	Predavanja / Lectures:	slovenski jezik/Slovenian
	Seminar / Seminar:	slovenski jezik/Slovenian

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:	**Prerequisites:**
Zahteva se vsaj 80 % prisotnost na predavanjih in vajah.	At least 80% attendance at lectures and tutorials is required.

Vsebina:	**Content (Syllabus outline):**
1. DEL: UPRAVNO PRAVO Uvodni pojmi, zgodovinski razvoj upravnega prava, umestitev upravnega prava v pravni red. Ustavna izhodišča upravnega prava. Temeljna načela upravnega delovanja. Delitev oblasti. Razmejitev in vloge: državna uprava, javna uprava, javni sektor. Državna uprava. Lokalna samouprava. Pravne osebe javnega prava (j. zavodi, j. agencije, j. skladi, j. podjetja). Javne službe (gospodarske in negospodarske, javne stvari, javno dobro, javna infrastruktura). Javno pooblastilo. Vrste in hierarhija upravnopravnih norm in aktov. Vezanost uprave na zakon. Diskrecija, pravna vezanost, nedoločeni pravni pojmi. Posledice neskladnosti upravnopravnih norm. Postopek odločanja o upravnih zadevah. Pravna sredstva zoper odločitve o upravnih zadevah. Javne pogodbe (javna pogodba/upravna pogodba, javna naročila, koncesija). Odškodninska odgovornost javnih oblasti.	PART ONE: Administrative Law Introductory concepts, historical development of administrative law, the placement of administrative law into the legal order. Constitutional origins of administrative law. Fundamental principles of administrative operation. Separation of powers. State administration, public administration, public sector - their respective roles and delimitation. State Administration. Local self-government. Legal entities governed by public law (public institutes, public agencies, public funds, public enterprises). Public services (economic and non-economic, public works, public goods, public infrastructure). Public powers. Types of administrative norms and instruments and their hierarchy. Boundness of the administration by the law. Discretion, legal boundness, indeterminate legal concepts.

Izbrana področja (transparentnost poslovanja, dostop do informacij javnega značaja). 2. DEL: SPLOŠNI UPRAVNO POSTOPEK Splošni upravni postopek in posebni upravni postopki, načelo subsidiarnosti. Značilnosti upravnopravnega razmerja. Upravna zadeva. Kateri organi in kdaj postopajo po ZUP. Javno pooblastilo. Temeljna načela ZUP. Krajevna in stvarna pristojnost. Udeleženci v upravnem postopku. Komunikacija. Roki. Stroški. Postopek na prvi stopnji. Postopek na drugi stopnji. Postopek z izrednimi pravnimi sredstvi. Izvršljivost in izvršba v upravnem postopku. Sodni nadzor nad zakonitostjo posamičnih upravnih aktov.	Consequences of non-conformity of administrative norms. Decision-making process in administrative matters. Legal remedies against decisions in administrative matters. Public contracts (public contract / administrative contract, public procurement, concession). The liability of public authorities. Selected topics (transparency of operation, access to public information). PART 2: GENERAL ADMINISTRATIVE PROCEDURE General administrative procedure and special administrative procedures, the subsidiarity principle. Characteristics of administrative relationship. Administrative matter. Which bodies and when they act according to the General Administrative Procedure Act. Public powers. Fundamental Principles of the General Administrative Procedure Act. Territorial and subject-matter jurisdiction. Subjects of the administrative procedure. Communication. Time limits. Costs. First-instance procedure. Appellate procedure. Procedure using extraordinary legal remedies. Enforceability and enforcement in the administrative procedure. Judicial review of the legality of individual administrative acts.

Temeljna literatura in viri / Readings:

Obvezna / Compulsory:

Janez Čebulj, Janez, Mik Strmecki, Upravno pravo učbenik. Ljubljana: Fakulteta za upravo, 2005.
Matej Avbelj (ur.), Komentar Ustave RS, Nova univerza, 2019.
Androjna V., Kerševan. E.: Upravno procesno pravo, GV Založba, Ljubljana 2006.
Ferk, Boštjan. Pogodba o javno-zasebnem partnerstvu. 1. natis. Turjak: Inštitut za javno-zasebno partnerstvo, zavod, 2014 (posamezni deli).
Tone Jerovšek, Tone, Polonca Kovač, Upravni postopek in upravni spor. Fakulteta za upravo, Ljubljana, 2016.

Priporočena / Recommended:

Bojan Tičar, Iztok Rakar. Civil Servant Regulation in the Republic in Slovenia, Poslovodno računovodstvo, 6(1) 2013, pp. 29-49.
Iztok Rakar, Tina Sever, Polonca Kovač. Evaluating Procedural Aspects of Public Governance: Case of Slovenia, Paper for Conference Program for the 21st NISPAcee Annual Conference. URL: https://www.researchgate.net/publication/305597088_Evaluating_Procedural_Aspects_of_Public_Governance_Case_of_Slovenia.
Polonca Kovač. Modernizing Administrative Procedural Law in Slovenia as a Driving Force of Efficient and Good Administration, NISPAcee Journal of Public Administration and Policy. 4(2) 2013, pp. 39-66.
Polonca Kovač. Participative Authoritiy in Administrative Proceedings - European Impacts and Constitutional Court Practice in Slovenia, IPSA RC 32 Conference, Dubrovnik, 4-7 April 2013.

Polonca Kovač idr. Legal Remedies in Administrative Procedures in Western Balkans, Comparative study, 2016, URL: http://www.nispa.org/files/conferences/2016/Respa/Legal-Remedies-in-Administrative-Procedures.pdf.
Administrative Justice in Europe, Report of the Republic of Slovenia, URL: http://www.aca-europe.eu/en/eurtour/i/countries/slovenia/slovenia_en.pdf.
Polona Kovač, Better Local Governance by Integrative Reorganization of State Administration and Self-Government (in Slovenia), URL: https://www.degruyter.com/downloadpdf/j/nispa.2014.7.issue-2/nispa-2014-0006/nispa-2014-0006.xml.
Polona Kovač. Effective Adjudication through Administrative Appeals in Slovenia, Utrecht Law Review. 9(3) 2013, pp.39-50.
Bojan Tičar. Legal analysis of Slovenian public sector salary system, Poslovodno računovodstvo, No. 3, 2013, pp. 6-15.
Iztok Rakar, Bojan Tičar. Legal Aspects of the Public Authority to Perform Certain Public Administration Tasks in the Republic of Slovenia, Poslovodno računovodstvo, 7(2) 2014, 60-73.
Miro Haček, Irena Bačlija. The Administrative Capacity of Slovenian Municipalities, Lex localis - Journal of Local Self-Government, 7(3) 2009, pp. 307-327.
Polona Kovač. The never-ending story of public administration reform in Slovenia (from 1991 to further development), Fakulteta za upravo, 4(2/3) 2006, 55-74.

Cilji in kompetence:	**Objectives and competences:**
Študentje bodo razvili **splošne kompetence**: Splošni cilji predmeta: • študent poglobljeno spozna institute upravnega prava; • študent zna reševati najzahtevnejša vprašanja, povezana z nastankom upravnopravnih norm; • študent je sposoben zaznati in rešiti najzahtevnejša vprašanja, pomembna za zakonito delo upravnih organov; • študent pozna in razume postopke za reševanje upravnih zadev; • študent pozna in zna oceniti zahtevne procesne situacije, ki nastajajo pri odločanju v upravnih stvareh na različnih upravnih področjih, in zna reševati analogne probleme; • študent je sposoben analizirati prakso primerov, ki so jih obravnavali Upravno sodišče ali Vrhovno sodišče ali Ustavno sodišče Republike Slovenije, v nekaterih primerih tudi Evropsko sodišče za človekove pravice; • sposobnost kritične strokovne razprave in analize o temeljnih pojmih, načelih in pravil upravnega prava; • razumevanje in sposobnost ocene kakovosti delovanja institucij demokratične in pravne države pri uresničevanju načel in pravil upravnega prava; • študent zna strokovno izražati svoja stališča na področju upravnega prava;	Students will develop the following general competences: • students distinguish between institutes of administrative law; • students are capable to solve issues associated with the creation and use of administration norms; • students are competent to identify the issues that are important for legal and legitimate work of administration; • students know and understand the administrative procedures; • students know and assess the most complicated procedural situations, which occur in decision-making process in different administrative fields and can apply knowledge gained in similar cases; • they analyse individual examples which have been ultimately considered by the Administrative Court or the Supreme Court or the Constitutional Court of the Republic of Slovenia and in some cases by the European Court of Human Rights; • ability to critically discuss and analyse expertly the fundamental concepts, principles and rules of administrative law; • understanding and ability to assess the quality of functioning of democratic and rule of law institutions in the implementation of the principles and rules of administrative law;

• sposobnost fleksibilne uporabe znanja v praksi; • študent je sposoben uporabiti svoje znanje za reševanje konkretnih problemov na področju upravnopravnega delovanja uprave; • študent je sposoben reševati najzahtevnejše probleme upravne teorije in prakse; • študent ima sposobnost vodenja ljudi in projektov; • študent ima sposobnost refleksije in kritične analize; • študent ima sposobnost primerjalnopravne analize (v EU in drugod) ter samostojnega raziskovalnega dela z uporabo znanstvenih metod.	• students can express their professional opinions in the field of administrative law; • students are capable to use their knowledge in the field of administration; • students are capable to use their knowledge and are able to solve problems associated with creation and use of administration norms; • students are able to resolve the most complex problems in administrative theory and practice; • students have ability of people and project management; • students have ability of reflection and critical analysis; • students have ability of legal comparative analysis (in EU and elsewhere) and independent research work with application of scientific methods.
Študentje bodo razvili **predmetno-specifične kompetence**: • Sposobnost razumevanja in kritične razlage temeljnih institutov upravnega prava in upravnega postopka • Sposobnost osvojitve temeljnih vprašanj upravnega prava in upravnega postopka in njihove uporabe na praktičnih primerih • Sposobnost umestitve posamičnih upravnih teorij v celotni okvir znanstvene vede o javni upravi; • Sposobnost kritične presoje ter analize in interpretacije aktualnih dogodkov; • Sposobnost kritične presoje sodne prakse domačih in tujih upravnih sodišč; • Sposobnost uporabe osnovnih in naprednih metodoloških pristopov pri raziskovanju vprašanj upravnega prava in upravnega postopka; • Sposobnost uporabe pridobljenih znanj pri reševanju konkretnih problemov in v delu z ljudmi v praksi; • Sposobnost kreativne in izvirne uporabe pridobljenega znanja v navidezno nerešljivih primerih.	Students will develop the following **course-specific competences:** • Ability to understand and critical interpret the main institutes of administrative law and administrative procedure • Ability to conquer the fundamental questions of administrative law and administrative procedure and their use in practical situations • Ability to placement of individual administrative theories in the overall framework of public administration; • Development of critical thinking and analysis and interpretation of current events; • Ability to critically judge the jurisprudence of the domestic and foreign administrative courts; • Ability to use basic and advanced methodological approaches in exploring issues of administrative law and administrative procedure • Ability to use the acquired knowledge for solving specific problems and working with people in practices; • Ability to use of knowledge gained creatively and inventively in the seemingly unsolvable cases.

Predvideni študijski rezultati: **Znanje in razumevanje:**	**Intended learning outcomes:** **Knowledge and understanding:**
Študent bo: • Študent bo usposobljen za prepoznavanje in razumevanje materije upravnega prava ter upravnopravnih norm. Poznal bo razmerja med posameznikom in državo na področju upravnega prava ter zahteve, ki izvirajo iz vezanosti uprave	**Students will:** • Students will be capeble to identify and understand the role of administartive law. They will understand the relationship between state and individual. They will know the basic principles of legal binding of administration. • Students will undestand the administrative procedures of ensuring rights and obligations on

na zakon pri izdajanju splošnih in posamičnih norm. • Študent bo pridobil poglobljeno znanje o postopkih uveljavljanja pravic in odrejanja obveznosti na področju upravnega prava. Usposobljen bo za reševanje težjih upravnih zadev in za vlaganje pritožb in drugih pravnih sredstev v upravnem postopku. • Pridobljeno znanje študentu omogoča opravljati svetovalno in operativno delo pri vseh subjektih, ki uveljavljajo pravice na področju upravnega prava. Prav tako pridobi metodološko znanje raziskovanja v stroki in znanosti. Študent je usposobljen razvijati regulacijo in izvajanje upravnega procesnega prava kot dela izvajanja javnih politik. •	the field of administartion law. They will be capable of resolving procedural problems in administration. • They are able to resolve the most complicated procedural problems to carry out counselling and operative work in relation to all entities which exercise their rights in the field of administrative law. They are capable to lead most demanding administrative systems and subsystems of executive powers. Additionally, they will be able to demonstrate consulting and research work in profession and science.

Metode poučevanja in učenja:

Oblike dela:
☒ Frontalna oblika poučevanja
☒ Delo v manjših skupinah oz. individualno
☒ Samostojno delo študentov
☒ študij s pomočjo IKT tehnologije
☐ drugo (vpišite) _____

Metode (načini) dela:
☒ Razlaga
☒ Razgovor/ diskusija/debata
☒ Delo z besedilom
☒ Proučevanje primerov raziskav
☒ Igra vlog
☒ Druge vrste nastopov študentov
☒ Reševanje nalog/vaje
☒ Študijski obiski podjetij ipd.)
☒ Vključevanje gostov iz prakse
☒ Udeležba na okrogli mizi, na konferenci

Learning and teaching methods:

Types of learning/teaching:
☒ Frontal teaching
☒ Work in smaller groups or individual work
☒ Independent students work
☒ studies using ICT technology
☐ other _____

Teaching methods:
☒ Explanation
☒ Conversation/discussion/debate
☒ Work with texts
☒ Research case studies
☒ Role-play
☒ Different presentation
☒ Solving exercises/study exercises
☒ Field work (e.g. company visits)
☒ Inviting guests from companies
☒ 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)	**20%**	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	**20%**	Public presentation of one's research
Končni ustni izpit	**60%**	Final examination (oral)
Končni pisni izpit		Final examination (written)
Drugo (vpišite)		Other:

Reference nosilca / Lecture's references:

Jernej Letnar Černič je redni profesor za pravo človekovih pravic in ustavno pravo na Fakulteti za državne in evropske študije, Nova Univerza. Na Pravni fakulteti Univerze v Ljubljani je diplomiral leta 2002. Za diplomsko delo je prejel študentsko Prešernovo nagrado. Doktoriral je v letu 2009 iz prava človekovih pravic in mednarodnega javnega prava na Univerzi v Aberdeenu, Škotska, Združeno kraljestvo. V zadnjih letih je delal

na Evropskem univerzitetnem inštitutu, Univerzi New York v Firencah, Mednarodnem kazenskem sodišču, Univerzi v Aberdeenu ter pri Evropskem varuhu človekovih pravic.

Nekatere izbrane zadnje objave:

Jernej Letnar Černič, Pravo Evropske konvencije o človekovih pravicah, Nova univerza, 2026.
Jernej Letnar Černič, O "dialogu" pri izvrševanju sodb Evropskega sodišča za človekove pravice. Pravosodni bilten. 2025, letn. 46, št. 2, str. 87-101. ISSN 1318-1459.
Jernej Letnar Černič, The United Nations guiding principles on business and human rights and its contours = Os princípios orientadores das Nações Unidas sobre empresas e direitos humanos e seus contornos. Revista da Faculdade de Direito da Universidade de Lisboa : Lisbon law review. 2025, vol. 66, no. 1, str. 341-357.
Jernej Letnar Černič, Polonca Kovač. Responding to the conflict of interest risks in Central and Eastern Europe : case of Slovenia. Hrvatska i komparativna javna uprava. 2022, vol. 22, br. 4, str. 575-604, graf. prikazi.
Jernej Letnar Černič. Between two worlds : personal reflections from Slovenia and Spain on the Covid-19 pandemic. International journal of constitutional law. 2022, vol. 20, iss. 3, str. 1-8. ISSN 1474-2659.
SICRIS (Jernej Letnar Černič),
https://bib.cobiss.net/bibliographies/si/webBiblio/bib301_20260729_092312_32577.html

Jernej Letnar Černič is a Full Professor of Human Rights Law and Constitutional Law at the School of Government and European Studies, New University. He graduated from the University of Ljubljana with the France Prešeren award. He completed his Ph.D. in Law at the School of Law, University of Aberdeen, Scotland, UK. Jernej has worked at the European Ombudsman's Office, the Superior Court of the Republic of Slovenia, the Law Institute in Ljubljana, the International Criminal Court, and has taught at the University of Aberdeen, University of Lund, New York University and European University Institute.

Selected recent publications:

Jernej Letnar Černič, Pravo Evropske konvencije o človekovih pravicah, Nova univerza, 2026.
Jernej Letnar Černič, O "dialogu" pri izvrševanju sodb Evropskega sodišča za človekove pravice. Pravosodni bilten. 2025, letn. 46, št. 2, str. 87-101.
Jernej Letnar Černič, The United Nations guiding principles on business and human rights and its contours = Os princípios orientadores das Nações Unidas sobre empresas e direitos humanos e seus contornos. Revista da Faculdade de Direito da Universidade de Lisboa : Lisbon law review. 2025, vol. 66, no. 1, str. 341-357.
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