

SUBJECT TEACHING GUIDE

G452 - Administrative Law I

Double Degree in Law and Administration and Business Management

Degree in Law

First Degree in Law

Academic year 2024-2025

1. IDENTIFYING DATA					
Degree	Double Degree in Law and Administration and Business Management Degree in Law First Degree in Law			Type and Year	Compulsory. Year 2 Compulsory. Year 2
Faculty	Faculty of Law				
Discipline	Topic: Administrative Law				
Course unit title and code	G452 - Administrative Law I				
Number of ECTS credits allocated	6	Term	Semester based (1)		
Web					
Language of instruction	Spanish	English Friendly	No	Mode of delivery	Face-to-face

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3.1 LEARNING OUTCOMES

- Understanding the activity of Public Administrations and their limits.
- Management of the administrative procedure as well as identification and understanding of the administrative act, its effectiveness and validity.
- Management of the system of administrative and judicial resources as fundamental elements of the control of administrative action.

4. OBJECTIVES

Learn to move through the Order. An important part of any jurist's job is to understand, understand and be able to apply the system of sources of law. Learning to move through the Order also presupposes knowing how to search for that Order from a strictly mechanical point of view, that is, knowing how to use instrumental means and databases. But learning to move through the Ordinance is knowing how to systematize the rules, knowing the way in which they relate to each other, being consistent with the principles of hierarchy and competition, and identifying the applicable regulatory block. It is then necessary to assume a set of values ??or principles that guide the norms and serve as support for them. These underlying values ??today derive, to a very large extent, from the Constitution, which means continually returning to it when understanding the rest of the Regulation. Finally, it is also about understanding the meaning of the institutions and material areas that are studied in this discipline and, once these aspects are understood, being able to present them both orally and in writing, applying what is learned to specific assumptions of reality.

Assume the principles that guide the rules and support them. These underlying values ??today derive, fundamentally, from the Constitution, which means continually returning to it when understanding the rest of the legal system.

Understand the meaning of institutions and the material areas of the discipline, which frequently require some prior knowledge of the history and context in which institutions are born and develop.

It is, therefore, about understanding how public institutions work.

Be able to present, both orally and in writing, systematized concepts and ideas.

Be able to apply what has been learned and give examples taken from reality. Therefore, it is not about memorizing things, but about learning to reason. Because learning to reason is already learning to apply, that is, operate with the rules and concepts.

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6. SUBJECT PROGRAM	
CONTENTS	
1	<p>I - THE PUBLIC ADMINISTRATION IN THE LEGAL SYSTEM</p> <p>1 LESSON. THE PRINCIPLE OF LEGALITY AND ADMINISTRATIVE POWERS 1. The principle of legality of the Administration. 2. Administrative powers: general issues and reference to the most important ones. 3. The distinction between regulated powers and discretionary powers. 4. Administrative discretion and indeterminate legal concepts. 5. Administrative self-regulation.</p>
2	<p>II - THE UNILATERAL ACTIVITY OF PUBLIC ADMINISTRATIONS: THE ADMINISTRATIVE PROCEDURE AND THE ADMINISTRATIVE ACT. SPECIFIC STUDY OF ADMINISTRATIVE SANCTIONS</p> <p>2 LESSON. ADMINISTRATIVE PROCEDURE 1. Concept and meaning of administrative procedure. Constitutional references. 2. Law 39/2015, on Common Administrative Procedure: scope of application and general principles.- 3. The subjects of the administrative procedure. In particular, the interested party.- 4. Terms and deadlines in the administrative procedure: their calculation.- 5. Initiation and instruction of the administrative procedure.- 6. Termination of the administrative procedure.</p>
3	<p>3 LESSON. THE ADMINISTRATIVE ACT (1)</p> <p>1. The concept of administrative act. The distinction between act and regulation. 2. The so-called political or governmental acts. 3. Elements of administrative acts: subjective, objective and formal elements. In particular, the statement of reasons for administrative acts.- 4. Types of administrative acts: individual and general acts, definitive and procedural acts, favourable and burdensome acts, final and non-final acts, acts that exhaust and acts that do not exhaust administrative channels, consented acts and confirmatory acts. 5. Administrative silence: types and effects; late decisions.</p>
4	<p>4 LESSON. THE ADMINISTRATIVE ACT (2)</p> <p>1. Effectiveness and presumption of validity of administrative acts - 2. Delaying the effectiveness of administrative acts; in particular, notification and publication of the administrative act - 3. Suspension of the effectiveness of administrative acts: referral - 4. Enforcement of administrative acts: general rules.-5. Means of enforcement of administrative acts.</p>
5	<p>5 LESSON. THE ADMINISTRATIVE ACT (3)</p> <p>1. Defects in the administrative act: general perspective. 2. The nullity of the administrative act.- 3. The invalidity of the administrative act.- 4. Non-invalidating irregularities.- 5. The control of the legality of the administrative act: general outline and referral.</p>
6	<p>III. THE CONTRACTUAL ACTIVITY OF PUBLIC ADMINISTRATIONS PUBLIC ADMINISTRATIONS</p> <p>6 LESSON. PUBLIC SECTOR CONTRACTS</p> <p>1. Public sector contracts : general approach.- 2. Object and purpose of the LCSP.- 3. 3. Subjective scope of application of the LCSP.- 4. Objective scope of application of the LCSP.- 5. Contracts Administrative contracts and private contracts.- 6. Fundamental aspects Fundamental aspects of the legal regime of public sector contracts.- 7. Fundamental aspects of the legal regime for public sector contracts.- 7. The special appeal in matters of public procurement.- 8. 8. Contracts and the liability of the Administration of the Administration: referral</p>

7	<p>IV. REVIEW OF THE LEGALITY OF ADMINISTRATIVE ADMINISTRATIVE ACTIVITY</p> <p>7 LESSON. THE CONTROL OF LEGALITY OF ADMINISTRATIVE ADMINISTRATIVE ACTIVITY BY THE ADMINISTRATION ITSELF ADMINISTRATION: EX OFFICIO REVIEW AND ADMINISTRATIVE ADMINISTRATIVE APPEALS</p> <p>1. The review of null and void provisions and acts - 2. The The declaration of invalidity of voidable acts. 3. The Administrative appeals: characteristics and general principles General principles.- 4. Suspension of acts and provisions in administrative appeals.- 5. Suspension of acts and provisions in administrative appeals.- 5. Appeals for review.- 6. Appeals for reconsideration.- 7. The appeal for review.- 8. Other appeal procedures.</p>
8	<p>8 LESSON. THE CONTENTIOUS-ADMINISTRATIVE CONTENTIOUS-ADMINISTRATIVE JURISDICTION</p> <p>1. Historical development - 2. The Constitution and the jurisdictional control of administrative activity. 3. The Constitution and the jurisdictional control of administrative activity. 3. contentious-administrative jurisdiction.- 4. The structure of the contentious-administrative jurisdiction The contentious-administrative jurisdiction: bodies and competences. 5. 5. The non-jurisdictional attributions of The non-jurisdictional powers of the bodies of the contentious-administrative jurisdiction.</p>
9	<p>9 LESSON. THE CONTENTIOUS-ADMINISTRATIVE CONTENTIOUS-ADMINISTRATIVE PROCEEDINGS (1)</p> <p>1. The contentious-administrative process: general overview. 2. 2. The parties to the proceedings: capacity, standing, representation and defence. 3, representation and defence.- 3. The contestable activity and The contestable activity and the procedural claims.- 4. The lodging of the 4. The lodging of the appeal. Time limits in the contentious appeal.- 5. The The ordinary contentious-administrative process: main phases and development. 6. The main phases and development.- 6. The abbreviated contentious-administrative The abbreviated contentious-administrative process: main stages and development.- 7. Precautionary precautionary protection in the contentious-administrative order. 8. Special proceedings; in particular, the special Special proceedings; in particular, the special procedure for the protection of fundamental rights and the special proceedings; in particular, the special procedure for the protection of fundamental rights and the question of illegality.- 9. The Termination of the process: the judgement and other forms of termination. 9. Termination of proceedings: judgement and other forms of termination.</p>
10	<p>Nine organisational blocks</p>

7. ASSESSMENT METHODS AND CRITERIA				
Description	Type	Final Eval.	Reassessn	%
<p>The final grade will be the result of weighing a final test of the entire subject, of an oral nature, with the assessment of the controls carried out during the course.</p> <p>– The weight of the oral test is 60 percent of the final grade and in order to be able</p>	Oral Exam	Yes	Yes	60,00
<p>- The intermediate controls will be written and in person, test type. There will be several throughout the course and together they count 40% of the final grade.</p>	Written exam	No	No	40,00
TOTAL				100,00
Observations				
<p>The final mark will be the result of weighting a final oral test of the whole course with the evaluation of the controls carried out during the course.</p> <p>- The weighting of the oral test is 60% of the final mark and in order to be able to weight it with the marks obtained in the controls it will be necessary that the minimum mark obtained in this test is not less than 4 (out of 10) or equivalent. The oral exam will consist of a general review of the entire Programme, with special emphasis on the issues addressed in the classes, since the subject is face-to-face.</p> <p>If the student wishes, the exam may begin with a question of his or her choice. Legal texts may be used during the examination; other materials such as notes or manuals are not permitted.</p> <p>The assessment of the examination is connected with the objectives of the subject as described above and, therefore, the examination will try to verify the extent to which the student knows, understands, explains, applies and relates basic concepts and systematised ideas.</p> <p>The total lack of response to a question (or its qualification as 'zero': totally insufficient) linked to a heading of the Programme may be considered disqualifying and prevent the continuation of the exam.</p> <p>- Intermediate examinations will be written and face-to-face, in the form of a multiple-choice test. There will be several throughout the course and together they will account for 40% of the final mark.</p>				
Observations for part-time students				
<p>There are no specialisations for part-time students. However, students in these circumstances (and only students in these circumstances) may request, at their convenience, that their final oral examination be the only reference to be considered in the event that they are unable to follow the continuous assessment regime.</p>				

8. BIBLIOGRAPHY AND TEACHING MATERIALS

BASIC

1.- Para la preparación de la asignatura, el manejo directo de la legislación resulta de todo punto inexcusable e imprescindible. Esto tiene que quedar claro.. Cada alumno deberá, pues, manejar diversos textos legales como material de trabajo personal. Es conveniente, además, estar en disposición de manejar las normas citadas para la anterior asignatura de Primero ("Introducción al Derecho Administrativo").

Para el manejo de todas estas normas –y muchas más– se recomienda utilizar el volumen preparado por Luis MARTÍN REBOLLO, "Leyes Administrativas: Manual y normas básicas" (Ed. Thomson Reuters Aranzadi, última edición). La utilidad particular de esta obra es que incluye aclaraciones, introducciones y notas a las distintas normas que facilitan su comprensión y contextualización

Como complemento de la obra citada, y del propio Luis MARTÍN REBOLLO, su "Manual de las leyes administrativas", Ed. Thomson Reuters Aranzadi, 2018 (2.ª ed.). Es muy recomendable la lectura de los capítulos correspondientes de esta obra como actividad previa a la asistencia a las clases teóricas.

2.- Otras obras de utilidad para la preparación de la asignatura:

– Germán FERNÁNDEZ FARRERES: "Sistema de Derecho Administrativo", Ed. Thomson Reuters Civitas, 5.ª ed. 2020, dos tomos. Abarca toda la Asignatura, así como la Introducción al Derecho Administrativo y Derecho Administrativo II,

– Juan Alfonso SANTAMARÍA PASTOR: "Principios de Derecho Administrativo General", Ed. Iustel, 5ª ed. Madrid, 2018, dos tomos. Abarca toda la Asignatura, así como la Introducción al Derecho Administrativo y Derecho Administrativo II.

– Manuel REBOLLO PUIG y Diego VERA JURADO: "Derecho Administrativo", Ed. Tecnos, tres tomos. Obra colectiva que cubre toda la Asignatura, así como la Introducción y Derecho Administrativo II.

– Eduardo GARCÍA DE ENTERRÍA y Tomás Ramón FERNÁNDEZ: "Curso de Derecho Administrativo", Civitas, tomo I (17ª edición, Madrid, 2015), tomo II, (14ª ed., 2015). Es, quizá, la exposición más amplia y rigurosa. Un auténtico clásico. Texto de referencia en el que se han formado decenas de generaciones de juristas. Escrito por el maestro de todos los administrativistas españoles (y por uno de sus discípulos), es un texto denso, pero de gran valor formativo. Libro de consulta fundamental, en todo caso.

– Santiago MUÑOZ MACHADO "Tratado de Derecho Administrativo y Derecho Público General", de la que hasta ahora han aparecido 4 volúmenes en el sello editorial Iustel. El primero se titula La formación de las instituciones públicas y su sometimiento al Derecho (2ª ed., Madrid, 2006), el segundo El ordenamiento jurídico (Madrid, 2006), el tercero La organización territorial del Estado y las Administraciones Públicas (2009), y el cuarto la actividad administrativa (2011).

Son cuatro extensos libros que se refieren a partes diversas de la asignatura, tanto de la Introducción como de Derecho Administrativo I y II, que pueden servir como obras de consulta.

En la página web del Boletín Oficial del Estado (Biblioteca Jurídica Digital, sección libros) figura, en 14 volúmenes, una versión actualizada de la obra, en formato pdf y de acceso gratuito. Cada uno de los volúmenes puede consultarse independientemente.

– Materiales adicionales pueden eventualmente hallarse en el Aula Virtual, que deberá consultarse de vez en cuando.