



UNIVERSITATEA BABES-BOLYAI
BABES-BOLYAI TUDOMÁNYEGYETEM
BABES-BOLYAI UNIVERSITÄT
TRADITIO ET EXCELLENTIA



Facultatea de Științe Politice,
Administrative și ale Comunicării

Str. Traian Moșoiu nr. 71
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Syllabus

Administrative Law

Fall 2020

Instructor: PhD Student, Denisa Terheș. **Contact information:** email: terhes.denisa96@gmail.com;
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Course description

This course is intended to introduce second year Leadership students to the field of Administrative Law. It offers a short introduction regarding the general theory of law and a broad analyse of the basic components of administrative law. First, the course will focus on describing and analysing the principles of administrative law, the administrative organisation (local and central) and the administrative procedure (especially the acts, facts and operations in administrative law). Secondly, it will emphasise the concepts of public property and administrative contracts and the last part of the course will concentrate on studying the field of administrative disputes.

Learning objectives: At the end of the class the students should:

- Be able to substantiate the concepts, principles, tasks and place of administrative law in the system of law, legal sciences and academic disciplines;
- Be able to correctly interpret the norms of administrative law;
- Be able to apply the legal norms in the practical activity of the public administration;
- Be able to determine the mechanisms for controlling and enforcing legal liability in the process of administrative activity (exercise of public administration).



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Textbooks/Readings

The main textbook for this class is the **Romanian Administrative Code** (<https://lege5.ro/Gratuit/gm2dcnrygm3q/codul-administrativ-din-03072019>) and the information presented during classes.

Legea contenciosului administrative -Law no. 554/2004 (<https://lege5.ro/Gratuit/gu3dsojy/dispozitii-generale-lege-554-2004?dp=gi3damitguzts>)

Other materials will be provided during the semester.

Topics and course schedule

Week 1: Introductory class. Introduce the content of the course to the students; discuss about evaluation, academic honesty, and attendance.

Week 2: Short introduction in the general theory of law; introduction to administrative law;

Week 3: Features of administrative law; the principles of administrative law; administrative organization in Romania; European Administrative Law;

Week 4: The system of administrative bodies in Romania; The system of authorities in Romania;

Week 5: The administrative act (1) -definition, characteristics, classification; Special classification – pure and simple acts and acts affected by legal modalities;

Week 6: The administrative act (2) – Conditions of validity and legality of administrative acts; The form and procedure for issuing an administrative act;

Week 7: The administrative act (3) – The entry into force of the administrative acts; Suspension of administrative acts; Termination of the administrative acts; Revocation of administrative acts;

Week 8: Administrative contracts (1) – Public Procurement Contracts; Public Procurement Procedures; Institutional framework; Concession Contracts; Public-Private Partnership;



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Week 9: Public Function and Public Servants – Definition; Classification; Rights and obligations of civil servants;

Week 10: Public Domain – Domain criteria; protection of public domain; Circulation of goods in the public domain; Expropriation;

Week 11: Administrative Litigation (1) -Typology of administrative litigation; The plaintiff and the defendant in administrative litigation; prior administrative procedure;

Week 12: Administrative Litigation (2) Prior administrative procedure; The procedure for solving the action in administrative litigation;

Week 13: Public service; Patrimonial Administrative responsibility;

Week 14: Short recap. Concluding remarks and brief discussion regarding the final exam.

Course methodology and requirements

The class implies a combination of lectures and interactive seminars. The lectures involve a relatively high number of concepts and ideas that are new to most of you so it is important to go over the assigned readings for each class. The interactive seminars are based on these readings so it is highly difficult to do cool things during the seminars if you do not read.

Attendance and active participation are important requirements. Students need to attend at least 10 sessions/seminars in order for the instructor to grade their assignments and final exam.

Plagiarism as well as other forms of academic dishonesty will be sanctioned in accordance with the Ethical Code for Students available online at <https://fspac.ubbcluj.ro/ro/resurse/administrative/regulamente>



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Grading policy and structure

Your grade for this class will be made up of 2 different components:

Grade for mandatory reports = $(4 \times 2.5) \times 0.2 + \text{exam grade} \times 0.8$ (the ex officio point included)

- a. **Active participation at course and seminars** – up to 1 point at the *final exam*.
- b. **Mandatory reports – 20%** - the students must write a number of 4 reports during the semester on 4 different topics in order to mark a 10 as a final grade. Every report represents 2.5 point and is 20% of the final grade.
- c. **Final exam – 80%** - the exam will have open questions based on the information presented in class and in materials.

ATTENTION!!

The entire class is designed to facilitate interaction and active learning. Provided that the students come to class unprepared, the instructor reserves the right to change the grading system by adding more weight to the final exam. Students will be notified about this no later than December 1st, 2020.

Participation in Zoom is active and always with video on. The instructor reserves the right to exclude participants that do not turn on their video.