

## Administrative Law: Introduction and Administrative Contention (F710365)

Due to Covid 19, the education and assessment methods may vary from the information displayed in the schedules and course details. Any changes will be communicated on Ufora.

Course size	(nominal values; actual values may depend on programme)			
Credits 7.0	Study time 210 h	Contact hrs	60.0h	
Course offerings and teaching methods in academic year 2021-2022				
A (semester 1)	Dutch	Gent	lecture	60.0h
Lecturers in academic year 2021-2022				
Storms, Eddy		EB25	lecturer-in-charge	
Neuts, Jurgen		EB25	co-lecturer	
Offered in the following programmes in 2021-2022			crdts	offering
Bachelor of Science in Public Administration and Management			7	A

### Teaching languages

Dutch

### Keywords

Administrative law, executive power, centralization & decentralization, municipal – county – public center for social welfare, legal protection against government action

### Position of the course

The students are introduced to an overview of the basic terms of administrative law and focus on the main terms. The students have to find these terms in the daily administration, found in the actuality. Students also acquire the necessary foreknowledge and/or information for other (juridical) courses and/or their later professional practice.

### Contents

The course includes three major parts:

#### Part I :

the basic terms of administrative law, with an overview of the (classic) sources of administrative law, after which attention is also given to less classical sources, like 'ministerial circular letters' and 'principles of good governance'. This is followed by the administrative acts of law and the characteristics thereof (unilateral, binding, presumption of legality or 'privilège du préalable'), with attention for the administrative contracts, e.g. public contracts, the term 'public services' and the principles or laws of the public service (variability, continuity, principle of equality of users...) as well as the different forms of organization of a public service (centralization & decentralization, territorial as well as functional), with their variants (personalized administration) and their characteristics (hierarchy versus autonomy and administrative supervision)

#### Part II :

the basic rules concerning the composition, functioning and powers of the territorial decentralized administrations (municipal, provincial and public center for social welfare) are studied by means of the municipal and provincial decree (Gemeente- en provinciedecreet) and the law concerning public center for social welfare (OCMW-wet).

#### Part III :

the possibilities to challenge administrative measures, both in the legislative power (with attention for the role of the 'ombudsman'), as well as within the executive power (various forms of administrative appeal), and the judiciary power (the judicial appeal), with the division of powers between the ordinary courts and administrative courts and the main provisions relating to the powers of the State

Council, administrative section and the characteristics of the procedure of cancelation and suspension.

### **Initial competences**

Knowledge general Law

### **Final competences**

#### **1 Major objectives**

- Knowledge of, but mainly insight in the basic terms of administrative law, so that the students are able to deduce and analyze by means of the learning material the administrative judicial aspects from a certain (current) situation in the daily administrative practice
- The students should be able to find the similarities and differences between the elementary rules regarding the composition, the functioning and the powers of the territorial decentralized administrations (municipal, county and public center for social welfare), e.g. by using examples from the daily administrative practice.
- The student is not expected to know the legal (and political) opportunities within the administration and the judiciary power (including administrative courts and the state council, administrative section) to challenge the governmental decisions, however they are expected to be able to locate this practically in a bigger picture, also in the daily actuality.

#### **General objectives**

Problem-solving skills: the students must be able to indicate or criticize (the outlines of) a legal solution.

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### **Conditions for credit contract**

Access to this course unit via a credit contract is determined after successful competences assessment

### **Conditions for exam contract**

This course unit cannot be taken via an exam contract

### **Teaching methods**

Seminar, Lecture

### **Extra information on the teaching methods**

Lectures with active participation of the students  
The students prepare the lectures by looking for examples of the daily administrative practice (actuality), by deducing the administrative judicial aspects and by then analyzing these aspects by means of the (learned or yet to learn) learning substance

### **Learning materials and price**

- Opdebeek en De Somer, Algemeen bestuursrecht, Grondslagen en beginselen, Antwerpen, Intersentia (richtprijs: 48 euro)
- Codex: (3 parts) BAMA-codex (Die Keure): this codex is also used in juridical courses Introduction to law, Belgian constitutional law and Introduction European law.

### **References**

### **Course content-related study coaching**

Questions and comments of the students can be treated collectively or individually before, after and during the hearings. By appointment or through the electronic study environment.

### **Assessment moments**

end-of-term assessment

### **Examination methods in case of periodic assessment during the first examination period**

Open book examination, Written examination with open questions

**Examination methods in case of periodic assessment during the second examination period**

Open book examination, Written examination with open questions

**Examination methods in case of permanent assessment**

**Possibilities of retake in case of permanent assessment**

not applicable

**Calculation of the examination mark**