ADMINISTRATIVE LAW

MSc Degree in Municipal Management

Code: 21101

Main Scientific Area: Administrative and Tax Law

Lecturer: Ricardo Alexandre Sousa da Cunha

Language of Instruction: Portuguese

Regime: S1

Contact Hours: 24h Total Workload: 74h

ECTS: 3,0

Objectives

At the end of the course, students should be able to: - To know the Administrative Organization, identifying the public legal entities, the organs and the services and understanding its legal regime and the functional relations; - Understand the linkage of Administration to Law; - Define administrative power and understand adequately the connection with constitutional principles; - Understand the ways of exercising administrative power and characterize administrative procedures; - Identify the main administrative guarantees; - understand the regime of state liability.

Learning Outcomes

It is intended that students, with use in this curricular unit, improve the technical capacity aimed at an optimal work performance, by applying the information collected;

Students with proficiency in this curricular unit will develop interpersonal and social skills, especially citizenship, by understanding the administrative decision processes with which they are also confronted as administered.

Course Contents

1. Introduction
2. Constitutional Principles on Administrative Organization.

Public legal persons and their bodies,
- Attributions and competences.
State interpersonal and inter-agency relations
- The Administrative Hierarchy.
- Supervision and oversight.
Tutorship in Local Authorities, in particular
3. Administrative Law.
Constitutional principles on the Administrative Power.
The Administrative linkage to the Law
The Administrative discretionary
4. The Administrative Activity
The administrative procedure and the administrative act.
- The progress of the Administrative Procedure
- The Administrative Act

- Validity, effectiveness and extinction of the administrative act

- The administrative regulation.

- The administrative contract
- The Administrative Guarantees.
- The State's Extra-contractual Civil Liability (Brief Reference)

Recommended Bibliography

- CAUPERS, JOÃO, Introdução ao Direito Administrativo, Editora Âncora Lisboa;

- ESTEVES DE OLIVEIRA, MÁRIO / PACHECO DE AMORIM/ GONÇALVES, PEDRO, Código do Procedimento Administrativo Comentado, Almedina, Coimbra.

- FIGUEIREDO DIAS, JOSÉ EDUARDO / OLIVEIRA, FERNANDA PAULA Noções Fundamentais de Direito Administrativo, Almedina, Coimbra.

- FONSECA, ISABEL CELESTE, Direito da Organização Administrativa, Almedina, Coimbra.
- FREITAS DO AMARAL, DIOGO, Curso de Direito Administrativo, Volumes I e II, Almedina, Coimbra.

- GONÇALVES, PEDRO, Manual de Direito Administrativo, Almedina, Coimbra 2019.

- REBELO DE SOUSA, MARCELO / SALGADO DE MATOS, ANDRÉ, Direito Administrativo Geral, Tomos II e III, Dom Quixote, Lisboa.

Learning and Teaching Methods

The syllabus is organised in a way that enables the students to fulfil the objectives set forth:

1. in order for the students to know the Administrative Organization, identify the public collective persons, its organs and services, as well as the legal regime and functional relationship; the first part of the syllabus is dedicated to a brief reference to the Administrative Organization, especially regarding the “Tutela” over municipalities, as the second parte refers to the Constitutional Principles on Administrative Powers

2. in order for the students to be able to ddefine the Administrative power and understand the subjection to the constitutional principles;

3. In order for the students to understand the Administrative Activity, Part III will be taught, reports on the administrative procedure, initiative, march and decision in the form of acts, regulations or contracts, signaling in the end a brief reference to the extra civil liability regime of the State, as a consequence of this administrative activity subject to the Law.

Assessment Methods

Research paper - 65%

Participation in other activities - 35%