



Information about the subject

Degree: Bachelor of Arts Degree in Law

Faculty: Faculty of Legal, Economic and Social Sciences

Code: 310201 **Name:** Administrative Law II

Credits: 6,00 **ECTS Year:** 2 **Semester:** 1

Module: Constitutional and Administrative Law

Subject Matter: Public Law **Type:** Compulsory

Field of knowledge: Social and Legal Sciences

Department: Public Law

Type of learning: Classroom-based learning

Languages in which it is taught: Spanish

Lecturer/-s:

312	<u>Jose Segarra Garcia-Arguelle</u> (Responsible Lecturer)	jose.segarra@ucv.es
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Module organization

Constitutional and Administrative Law

Subject Matter	ECTS	Subject	ECTS	Year/semester
Public Law	30,00	Administrative Law I	6,00	1/2
		Administrative Law II	6,00	2/1
		Administrative Law III	6,00	2/2
		Constitutional Law	6,00	1/1
		Economic Administrative Law	6,00	3/2

Recommended knowledge

To study Administrative Law II, it is recommended that the student take Constitutional Law and Administrative Law I first, though having done so or having passed those subjects is not a prerequisite.



Learning outcomes

At the end of the course, the student must be able to prove that he/she has acquired the following learning outcomes:

- R1 To identify and distinguish the different activities that can be developed by the Administration.
- R2 To know and recognize an administrative act, its types, elements, and conditions of effectiveness.
- R3 To identify the assumptions of nullity and annulment of an administrative act, its causes and effects.
- R4 To understand the principle of enforceability of administrative acts and distinguish the powers of the Administration to enforce them.
- R5 To identify the different phases of the administrative procedure.
- R6 To understand the meaning of e-Administration and be able to apply in practice the effects of the computerization of the administrative procedure.
- R7 To understand the principles of the State's patrimonial responsibility and to be able to apply them in a patrimonial responsibility procedure.
- R8 To understand the basis, scope, and principles of the sanctioning power of the Administration and be able to apply them in a procedure. Principles and the sanctioning procedure.
- R9 To know the theory of the review of acts in administrative proceedings and to distinguish the legal institutions that compose it.
- R10 To know and apply in practice the ex officio review procedures and the system of administrative appeals.



Competencies

Depending on the learning outcomes, the competencies to which the subject contributes are (please score from 1 to 4, being 4 the highest score):

GENERAL		Weighting			
		1	2	3	4
CG1	Knowledge of the Science being studied, in this case of the science of Law, fundamentally of the most practical branches, with their international and economic implications and their specialized language.				X
CG2	Analysis and synthesis capacity			X	
CG3	Capacity for organization and planning		X		
CG4	Problem-solving capacity.				X
CG5	Computer skills related to the field of knowledge.			X	
CG6	To be able to effectively obtain information from books and specialized journals, and from other sources.				X
CG7	Critical reasoning when analysing information.				X
CG8	Ethical commitment to information management.			X	
SPECIFIC		Weighting			
		1	2	3	4
CE1	To become aware of the Law as an orderly system of legal norms regulating social relations.		X		
CE2	Understanding of the different ways of creation of Law in its historical evolution and in its current reality, assimilating the existence of subordinate and supranational legal systems and the forms in which they are articulated.		X		



CE3	Ability to use constitutional principles and values as a working tool in the interpretation of the legal system.				X
CE4	Ability to understand and know how local, regional, state, community, and international institutions work, in their genesis and as a whole, and to identify the competent institution or administration in each case as well as the sectoral law applicable in each case.	X			
CE14	Ability to lodge appeals against acts of the different bodies of the various administrations or institutions.				X
CE16	Acquisition of a critical conscience in the analysis of the legal system and acquisition of values and ethical principles.				X
CE18	To learn how to use the existing legal bibliographic information.		X		
CE19	Ability to handle the different legal sources (legal, jurisprudential and doctrinal).				X
CE20	Mastery of computer techniques in obtaining legal information and communication of legal data (Internet, databases of legislation, jurisprudence, bibliography).				X
CE21	Ability to read and interpret legal texts.				X
CE22	Ability to make legal arguments.				X



Assessment system for the acquisition of competencies and grading system

Assessed learning outcomes	Granted percentage	Assessment method
R1, R3, R4, R6, R7, R8, R10	40,00%	Practical tests
R1, R2, R3, R4, R5, R6, R7, R8, R9, R10	20,00%	Attendance, active participation and favourable attitude in the subject/ course/ module
R1, R2, R3, R4, R5, R6, R7, R8, R9, R10	40,00%	Written theoretical tests

Observations

1st) The final exam will be theoretical and written (type test), with the possibility of taking the oral exam. It is essential to obtain a minimum of **5 points** in the **final theoretical exam** in order to be able to count the remaining assessment instruments. To pass the subject, a minimum of **5 points** must be obtained in the total sum of all assessment instruments.

2nd) Attendance and participation: **10%** of the grade corresponds to attendance and **10%** to active participation in class. Evaluation will be carried out through attendance and participation tracking records maintained by the instructor.

Students will have **7 calendar days** to justify an absence.

3rd) Extraordinary call: the evaluation system will be based solely on the **score obtained in the exam (100%)**.

4th) In accordance with **Article 9** of the General Regulations for Evaluation and Grading of Official Degrees and Own Degrees of UCV, **single evaluation** is linked to the **inability to attend** for students enrolled in an in-person program. It is, therefore, an **extraordinary and exceptional** evaluation system available to those students who, with justified and accredited reasons, cannot undergo the continuous evaluation system. These students must request it from the instructor responsible for the subject, who will expressly decide on the acceptance or denial of the single evaluation request and will communicate the decision.

Regarding the subject **Administrative Law II**, the **minimum required attendance** is **70%**, which is the threshold to be considered for a potential single evaluation request. If granted, it will be structured based on the following criteria:

- In the **1st call**, the **20%** corresponding to attendance, active participation, and positive attitude in the subject will be added to the final theoretical exam (**10%**) and practical exam (**10%**) percentages, both taken during the official exam period.

- In the **2nd call**, the same evaluation criteria will apply as for students who are not granted single evaluation (i.e., attendance, active participation, and positive attitude will not be considered).



5th) Use of AI in the subject:

·Students may use AI for any queries related to the subject and even to generate prompts, exercises, or evaluation tests to obtain automatic responses, **as long as these are verified and validated by the students themselves**. For this purpose, the teaching staff may carry out the necessary checks.

·Students may **not** use AI:

-To record or transcribe, in whole or in part, any activity carried out in the classroom for the purpose of obtaining AI-generated summaries or notes.

-To input notes or any other material authored by the teaching staff into AI tools such as ChatGPT or other non-institutional platforms whose information is not hosted in controlled environments.

·Citation and attribution criteria:

-Any use of AI tools must be explicitly declared in the submitted document (e.g., in a footnote or appendix).

-The name of the tool, the purpose of its use (e.g., grammar check, idea organization, writing example), and the part of the work where it was used must be indicated.

-Responsible use of AI will be evaluated as part of the originality and academic honesty criteria.

CLASS ATTENDANCE IN FACE-TO-FACE DEGREES

In accordance with the development guidelines of the General Regulations for the Evaluation and Qualification of Official Teachings and Own Degrees of the UCV, in face-to-face degrees, class attendance with a minimum of 80% of the sessions of each subject will be required as a requirement to be evaluated. This means that, if a student does not attend the sessions of each subject, in a percentage greater than 20%, he/she will not be able to be evaluated, neither in the first nor in the second call, unless the person responsible for the subject, with the approval of the person responsible for degree, in view of duly justified exceptional circumstances, exempt from the minimum attendance percentage. The same criterion will be applicable for hybrid or virtual degrees in which teachers must maintain the same percentage in the requirement of "presence" in the different training activities, if any, even if these are carried out in virtual environments.

MENTION OF DISTINCTION:

The mention of "Honors" may be awarded to students who have obtained a grade equal to or greater than 9.0. Their number may not exceed five percent of the students enrolled in a group in the corresponding academic year, unless the number of students enrolled is lower.



Learning activities

The following methodologies will be used so that the students can achieve the learning outcomes of the subject:

- M1 Group work sessions supervised by the teacher. Study of legal cases, both true and fictitious. Significant construction of knowledge through student interaction and activity. Critical analysis of values and social commitment.
- M8 Exposition of contents by the teacher, analysis of competences, explanation and demonstration of capacities, skills and knowledge in the classroom.
- M9 Supervised monographic sessions with shared participation.
- M10 Application of interdisciplinary knowledge.
- M11 Personalised attention and in small groups. Period of instruction and/or orientation carried out by a tutor with the aim of reviewing and discussing the materials and topics presented in the classes, seminars, readings, completion of assignments, etc.
- M12 Set of written and/or oral tests used in the initial, formative or summative evaluation of the student.
- M13 Group preparation of readings, essays, resolution of problems, seminars, papers, dossiers, etc., to be presented or delivered in theory classes, practical classes, and/or small group tutorials.
- M14 Student's study: individual preparation of readings, essays, problem-solving, seminars, works, reports, etc. to present or deliver in the theoretical classes, practical classes and/or small group tutorials.



IN-CLASS LEARNING ACTIVITIES

	LEARNING OUTCOMES	HOURS	ECTS
Practical cases. M1	R1, R3, R4, R6, R7, R8, R10	18,00	0,72
Theoretical classes. M8	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10	28,00	1,12
Seminar. M9	R7	2,00	0,08
Presentation of group work. M10	R3, R4, R6, R7, R8, R10	4,00	0,16
Tutorial. M11	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10	2,00	0,08
Assessment M12	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10	6,00	0,24
TOTAL		60,00	2,40

LEARNING ACTIVITIES OF AUTONOMOUS WORK

	LEARNING OUTCOMES	HOURS	ECTS
Group work. M13	R1, R3, R4, R6, R7, R8, R10	27,50	1,10
Individual work. M14	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10	62,50	2,50
TOTAL		90,00	3,60



Description of the contents

Description of the necessary contents to acquire the learning outcomes.

Theoretical contents:

Content block	Contents
SECTION 1. THE DIFFERENT ACTIVITIES OF THE PUBLIC ADMINISTRATION.	<ul style="list-style-type: none">1.1. Definition of the different activities of public administration.1.2. Police functions and administrative intervention.1.3. Public Promotion.1.4. Public Services.1.5. Other activities of the Administration.1.6. The inactivity of the Administration.
SECTION 2. THE ADMINISTRATIVE PROCEDURE.	<ul style="list-style-type: none">2.1. Definition and regulation of the administrative procedure.2.2. Principles of the administrative procedure.2.3. Parties of the administrative procedure. Electronic relations with the Public Administrations.2.4. Rights and duties of the parties.
SECTION 3. GENERAL RULES OF PRACTICE IN THE ADMINISTRATIVE PROCEDURE. PARTICULAR REFERENCE TO ELECTRONIC PROCEDURE.	<ul style="list-style-type: none">3.1. Submission of written Statements and Documents.3.2. Deadlines in the administrative procedure.3.3. Notification in the administrative procedure.
SECTION 4. PHASES OF THE ADMINISTRATIVE PROCEDURE.	<ul style="list-style-type: none">4.1. Initiation of the Administrative Procedure.4.2. Organisation of the Administrative Procedure.4.3. Investigation.4.4. Termination.4.5. Duty to resolve and Administrative silence.
SECTION 5. ADMINISTRATIVE ACTS.	<ul style="list-style-type: none">5.1. Concept and kinds of administrative acts.5.2. Elements of administrative acts.5.3. The effectiveness of administrative acts.5.4. The invalidity of administrative acts.5.5. Procedures and means of forceful execution of administrative acts.



SECTION 6. ADMINISTRATIVE LIABILITY.

- 6.1. Requirements of accountability on the part of the Administration.
- 6.2. The quantification of damages.
- 6.3. Action back to the authorities and staff at the service of the Public Administration.

SECTION 7. SANCTIONING POWERS.

- 7.1. Introduction to the sanctioning authority.
- 7.2. The principles of the sanctioning authority.
- 7.3. Procedure.

SECTION 8. ADMINISTRATIVE AND OTHER NON-JUDICIAL CONTROLS.

- 8.1. Automatic review and revocation of administrative acts.
- 8.2. Administrative remedies.
- 8.3. Specialized external controls.



Temporary organization of learning:

Block of content	Number of sessions	Hours
SECTION 1. THE DIFFERENT ACTIVITIES OF THE PUBLIC ADMINISTRATION.	3,00	6,00
SECTION 2. THE ADMINISTRATIVE PROCEDURE.	3,00	6,00
SECTION 3. GENERAL RULES OF PRACTICE IN THE ADMINISTRATIVE PROCEDURE. PARTICULAR REFERENCE TO ELECTRONIC PROCEDURE.	4,00	8,00
SECTION 4. PHASES OF THE ADMINISTRATIVE PROCEDURE.	4,00	8,00
SECTION 5. ADMINISTRATIVE ACTS.	5,00	10,00
SECTION 6. ADMINISTRATIVE LIABILITY.	4,00	8,00
SECTION 7. SANCTIONING POWERS.	4,00	8,00
SECTION 8. ADMINISTRATIVE AND OTHER NON-JUDICIAL CONTROLS.	3,00	6,00



References

ESSENTIAL BIBLIOGRAPHY TO PASS THE COURSE IN TERMS OF THEORETICAL CONTENT:

- **GARCÍA DE ENTERRÍA, E.: FERNÁNDEZ, T.R.** Curso de Derecho administrativo. Vols. I y II. Madrid: Civitas, 21ª edición (Vol I, ISBN 978-84-10296-24-4) 2024; 17ª edición (Vol II, ISBN 9788411255561), 2022.
- **SANTAMARIA PASTOR, J. A.** Principios de Derecho administrativo general, Vol. II. Madrid: Iustel, 6ª edición, octubre de 2023. ISBN 978-84-9890-463-5

SUPPLEMENTARY BIBLIOGRAPHY:

- **BERMEJO VERA, J.** Derecho Administrativo básico, Vol I, Parte General. Navarra: Aranzadi, 13ª edición, 2019. ISBN 9788491979845.
- **BERNAD SORJÚS, B (coord.).** Práctica de recursos administrativos y recursos contencioso-administrativo. Barcelona: Editorial Atelier, 2ª edición, 2021. ISBN 978-8418244490.
- **BOCANEGRA SIERRA, R.E.** La teoría del acto administrativo. Madrid: Iustel, 2005. ISBN 84-96440-10-9.
- **COSCULLUELA MONTANER, L.** Manual de Derecho Administrativo. Parte general II: La actividad de la Administración. Modalidades. Medios. Control. Responsabilidad. Madrid: Civitas, 34ª edición, 2023. ISBN 9788411259590
- **ESCUIN PALOP, V.** Elementos de Derecho público. Madrid: Tecnos, 10ª edición, 2019. ISBN 978-84-309-7731-4. Esta lectura se considera oportuna para una introducción general y rápida a este módulo entero
- **JORDANA DE POZAS, L.** "El problema de los fines de la actividad administrativa" RAP, nº 4, Enero/Abril 1951, págs. 11 – 28.
- **MARTIN REBOLLO, I y GÓMEZ PUENTE, M.** La inactividad de la Administración. Cizur Menor (Navarra): Aranzadi, 4ª edición, 2011. ISBN 9788483556535.
- **MENÉNDEZ REXACH, Á.** "El control judicial de la inactividad de la Administración". Anuario de la Facultad de Derecho de la Universidad Autónoma de Madrid, Nº 5, 2001, págs. 163-186.
- **MUÑOZ MACHADO, S.** Tratado de Derecho Administrativo y Derecho Público General. Madrid: Boletín Oficial del Estado, 2015. ISBN 978-84-340-2441-0.
- **PALOMAR OLMEDA, A.** Procedimiento administrativo. Cizur Menor (Navarra): Thomson Reuters-Aranzadi, 3ª edición, 2022. ISBN 9788413469072.
- **PARADA VAZQUEZ, R.** Derecho Administrativo II. Madrid: Dykinson, 1ª edición, 2019. ISBN 9788413241746.
- **RUIZ DE PALACIOS VILLAVERDE, J.I.** Manual práctico. Memento práctico de responsabilidad patrimonial de la Administración 2018-2019. Madrid: Ediciones Francis Lefebvre, 2017. ISBN 978-84-17162-31-3.
- **SÁNCHEZ MORÓN, M.** Derecho administrativo: parte general. Madrid: Tecnos, 20ª edición, 2024. ISBN 978-84-309-9056-6.