# Elements of Administrative Law

## Prof. Giammarco Sigismondi

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course aims to examine and provide an in-depth analysis of the general regulations of the organisation and activity of public administration and its relations with private entities. The course will also deal, in general terms, with the system of administrative justice and the protection of citizen against the administration.

The intended outcomes consist in students’ acquisition of the fundamental elements of administrative law, with special reference to the constitutional order and the general principles, and of the essential competences to evaluate the organisation and activity of the public administration, its methods of power exercising, the procedural protection of the legal situations of citizens in relations with public entities.

More specifically, students will be able to understand the *ratio* of the fundamental institutions, know the content of the main functions, master the technical language of the subject and clearly distinguish between the different types of administrative activities.

Students who attend the lectures will be encouraged to present and discuss on the basis of what they have learned also in other courses, and of their general culture.

***COURSE CONTENT***

Public administration and administrative law; the sources of administrative law. The public administration in the Constitution. Public administrations as organisations; The offices; the bodies; State administrations; local authorities; public entities; independent authorities. Administrative activity and general principles. Subjective legal situations. The right of access to administrative documents; the decision-making phase. Administrative proceeding, Law of 7 August 1990, no. 241. Administrative act. Administrative invalidity. Internal review procedures. Public administration liability. Public contracts. Judicial protection in public law relationships. Profiles of administrative judicial review.

***READING LIST***

It is suggested: V. Cerulli Irelli, *Lineamenti di diritto amministrativo,* Giappichelli, Turin, last edition. As an alternative, students can refer to: M. Clarich, *Manuale di diritto amministrativo,* il Mulino, Bologna, last edition

Students are expected to know the rules of the Constitution on administration, of law no. 241 of 7 August 1990, of the provisions mentioned in class and in the recommended textbooks. In order to count on a constantly updated tool, allowing to reconstruct the historical evolution of the main sources, students are invited to consult it through the portal *www.normattiva.it*

***TEACHING METHOD***

The teaching method is based on frontal lectures introducing the key elements of the discipline, supported by the analysis of the most relevant judgments for the current system of administrative law, and the analysis of the legislative texts in force.

***ASSESSMENT METHOD AND CRITERIA***

Students’ assessment will consist of an oral exam focussed on their knowledge of the subject.

Thanks to specific questions on the key points of the course content, students will be assessed in particular on their knowledge of the fundamental principles and the main issues of administrative law, as well as their ability to present them in a correct, critical, and informed way.

Assignment of the mark will be based on students’ mastery of topics (considering both quality and breadth of reasoning), their critical view of the topics addressed, and their ability to relate the topics of the course, students’ ability to express themselves in correct and appropriate language and to understand the underlying reasons of the principles that characterise administrative law.

An in-depth knowledge of the subject, together with the ability to use an appropriate terminology and argumentative skills, will result in excellent marks; a comprehensive – even if not detailed – knowledge of the subject, the use of a correct terminology, and the ability to make connections are prerequisites to obtain acceptable marks; an uncertain knowledge – yet without substantial gaps – of the subject, a hesitant use of the terminology, and the ability to make only superficial connections, will result in sufficient marks. Substantial gaps in the knowledge of the course content and the use of an inappropriate terminology will determine insufficient marks.

***NOTES AND PREREQUISITES***

The course of Elements of Administrative Law is introductory, therefore there are no prerequisites concerning contents. However, a good basic knowledge of constitutional principles and institutional elements of private law is recommended.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG or on the Faculty notice board.