



Administrative law

Law-250

6 credits

Spring 2019

Instructor: Rustam Madaliev

Class Schedule: Mon. 15:00, 16:00

Office Hours: Tue. 15:00 – 16:00

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I. GENERAL DESCRIPTION AND OBJECTIVES OF THE COURSE

In a democratic state of law, administrative law is of paramount legal importance in the management and administrative activities of state agencies, local self-government authorities and their officials. The professional mission of the administrative authorities is to find a fair solution in each specific legal case when the interests of the state and the citizen are collided. A proper administrative process ensures justice not only in a particular case, but also creates confidence in society that justice between the state and the citizen will be ensured.

The purpose of this course is to acquaint with the legal norms regulating administrative procedure in developed states and particularly in the Kyrgyz Republic, the activities of administrative agencies exerting external influence and concluding with the adoption of administrative acts, as well as the action or inaction of these agencies, which entails for individuals or legal entities legal and / or actual effects. The goal of this discipline is to teach students the following topics: the basics of administrative procedures and process; concept of administrative activity: administrative act, administrative action (inaction); types of administrative act; concept of discretion; administrative principles; participants of the administrative procedure; administrative procedures; the timing and timing of administrative activities; the validity of the administrative act; revision and cancellation of the administrative act; appeal of an administrative act; execution of an administrative act; liability for damage caused by an administrative authority; the procedure for judicial appeal of administrative acts and actions.

II. PROGRAM AND COURSE LEARNING OUTCOMES

PROGRAM LEARNING OUTCOMES

Graduates of the Law Program should have the following competencies:

1. carry out professional activities in good faith on the basis of developed legal consciousness, legal thinking, and legal culture and with observation of ethical principles of the legal profession;
2. apply professional judgment, perform quality legal analysis, conduct legal research, and solve legal problems;

3. be able to speak and write in an argumentative, logical, and clear way in the legal context, have skills necessary to draft legal documents, be fluent in the English language at the level of professional communication;
4. draft normative legal acts and carry out their legal expertise in the field of professional activity;
5. interpret and apply substantive and procedural norms, provide qualified legal opinions and consultations in concrete types of legal activity;
6. demonstrate leadership qualities, active citizenship, take and develop initiatives aimed at promotion of civil society and welfare state;
7. understand the essence and significance of information in the development of modern society and law, master the basic methods of working with information and information technologies in the professional sphere.

COURSE LEARNING OUTCOMES

Upon successful completion of the course students will be able to:	Law Program Learning Outcomes
Understand the nature and significance of administrative law and the difference of administrative law from other fields of law	1, 7
Prepare application to administrative agency on issue of administrative procedure and administrative complaint upon administrative act to high agency and court	2, 3, 5, 6
Conduct oral hearing and draw up minute (protocol) on administrative procedure in administrative agency	3, 5
Draft administrative acts with legal basis in administrative agency	2, 3, 4, 5
Conduct court hearing and draw up court minute (protocol) in administrative court	2, 3, 5, 6
Draft administrative judgement with legal basis in administrative court	2, 3, 4, 5

III. TEACHING METHODS

1. Mini-lecture
2. Presentation (power point)
3. Brainstorming
4. Case study
5. Oral hearings
6. Work in groups for preparation of the draft document (application, complaint, decision on the application or complaint).
7. Moot court
8. Individual homework

IV. COURSE REQUIREMENTS AND POLICY

- (1) The class will meet *once* a week. Class sessions are a mixture of lectures and interactive student-focused activities. Students are expected to come to classes prepared and be ready to discuss the assigned materials.
- (2) Students must be ON TIME for classes. If a student comes to class late and the instructor has already marked him/her as absent, the student is considered to be absent for the whole class.

- (3) CLASS ATTENDANCE is required. If the student misses a class with an excuse, a document explaining the absence must be presented to the instructor no later than the next class following the class during which the student was absent. If the requirements mentioned above are not observed, the student's absence is considered to be unexcused. If the student misses more than half classes without an excuse or 50% of the whole course (irrespective of the reason for absence), the student will be assigned an "F" grade for the course.
- (4) Each student is required to be enrolled in the e-course system (www.e-course.auca.kg). The purpose of the e-course system is to allow students to get access to course materials, upload their course assignments, and benefit from a variety of interactive learning opportunities.
- (5) WRITTEN ASSIGNMENTS must be submitted by the set deadline and by the means specified by the instructor. Late submissions are NOT allowed. ***This rule applies to any student who was aware or should have been aware of an assignment and the deadline no matter whether he was sick or had any other excuse on the date of the deadline.***
- (6) The student has to follow the AUCA Academic Honesty Code and the Law Division's Policy on Plagiarism. All types of **cheating** (plagiarism, etc.) are strictly prohibited. If a student fails to observe this requirement, the instructor may assign an "F" grade for the work or an "F" grade for the whole course depending on the type of assignment and other circumstances.
- (7) CELL PHONES and any other electronic devices should be turned off or kept on a silent mode and are allowed to be used only for academic purposes unless restricted by the instructor.

Please, note that this syllabus is subject to change. Any changes to the syllabus will be announced in class, and the updated version of the syllabus will be available in the e-course. It is students' duty to stay informed of any adjustments made.

V. GRADING

Grading will be based upon the following components:

10% - Attendance and Participation

10% - Quizzes (best drafts document, homework, presentation, brainstorming, moot court role)

15% - Research Paper (individual homework)

15% - Presentation (results of work in groups, case study, oral hearings)

25% - Mid-Term Examination

25% - Final Examination (total: 100%)

Grading Scale of the Law Program

A	94-100%	C	68-73%
A-	90-93%	C-	64-67%
B+	86-89%	D+	60-63%
B	80-85%	D	54-59%
B-	77-79%	D-	50-53%
C+	74-76%	F	below 50%

VI. COURSE MATERIALS

1. Constitution of the Kyrgyz Republic of June 27, 2010.

2. Law of the Kyrgyz Republic "On the Basics of Administrative Activity and Administrative Procedures" dated July 31, 2015 No. 210.
3. Administrative Court Procedure Code of the Kyrgyz Republic of January 25, 2017 No. 13
4. Land Code of the Kyrgyz Republic of June 2, 1999 No. 45.
5. Law of the Kyrgyz Republic "On Regulatory Legal Acts" dated July 20, 2009 No. 241.
6. Law of the Kyrgyz Republic "On State Registration of Legal Entities" dated February 20, 2009 No. 57.
7. Law of the Kyrgyz Republic "On Urban Planning and Architecture of the Kyrgyz Republic" dated January 11, 1994 No. 1372-XII.
8. Law of the Kyrgyz Republic "On State Pension Social Insurance" No. 57 of July 21, 1997.
9. Law of the Kyrgyz Republic "On Environmental Protection" dated June 16, 1999 No. 53.
10. Law of the Kyrgyz Republic "On Public Health" dated July 24, 2009 No. 248.
11. Regulations on the procedure for granting land plots for individual housing construction approved by Resolution of the Government of the Kyrgyz Republic of May 6, 2005 No. 177.
12. Model Regulations on the procedure for conducting administrative cases, their register, accounting for administrative acts, approved by Resolution of the Government of the Kyrgyz Republic of February 26, 2018 No. 110.
13. Resolution (77) 31 of the Committee of Ministers of the Council of Europe on the protection of the person regarding acts of administrative authorities No. R (80) 2 regarding the exercise of discretionary powers by administrative authorities.
14. Recommendation No. R (87) 16 of the Committee of Ministers of the Council of Europe "On administrative procedures affecting their most interested parties.
15. Handbook on the explanation and application of the law of the Kyrgyz Republic" On the basis of administrative activities and administrative procedures ", prepared by GIZ and EU project on promotion of Rule of law in Kyrgyz Republic.
16. Peter Lehmann. General administrative law. - Munich, 2000. - 289 p.
17. D.-U. Galleta, C.H. Hofmann, O.M. Puigpelat: The General Principles of EU Administrative Procedural Law
18. U. Stelkens, A. Andrijauskaite: Added Value of the Council of Europe to Administrative Law: The Development of Pan-European General Principles of Good Administration by the Council of Europe and their Impact on the Administrative law of its Member states.
19. C. Franchini: European principles governing national administrative proceedings.
20. Griffith and Street: Principles of Administrative Law.
21. H.W.R. Wade: Administrative Law, Oxford Publications, London.
22. De Smith: Judicial Review of Administrative Action, Sweet and Maxwell.
23. S.P. Sathe: Administrative Law, Butterworths.
24. I.P. Massey: Administrative Law, Eastern Book Company.

1. Required Reading Materials

1. Constitution of the Kyrgyz Republic of June 27, 2010.
2. Law of the Kyrgyz Republic "On the Basics of Administrative Activity and Administrative Procedures" dated July 31, 2015 No. 210.
3. Administrative Court Procedure Code of the Kyrgyz Republic of January 25, 2017 No. 13
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6. Recommendation No. R (87) 16 of the Committee of Ministers of the Council of Europe "On administrative procedures affecting their most interested parties.

7. Handbook on the explanation and application of the law of the Kyrgyz Republic" On the basis of administrative activities and administrative procedures ", prepared by GIZ and EU project on promotion of Rule of law in Kyrgyz Republic.

2. Recommended Reading Materials

1. Land Code of the Kyrgyz Republic of June 2, 1999 No. 45.
2. Law of the Kyrgyz Republic "On Regulatory Legal Acts" dated July 20, 2009 No. 241.
3. Law of the Kyrgyz Republic The modern concept of administrative law. The history of the development of administrative procedures and their purpose. The concept of administrative activities, administrative procedures, the subject of regulation of the Law. "On State Registration of Legal Entities" dated February 20, 2009 No. 57.
4. Law of the Kyrgyz Republic "On Urban Planning and Architecture of the Kyrgyz Republic" dated January 11, 1994 No. 1372-XII.
5. Law of the Kyrgyz Republic "On State Pension Social Insurance" No. 57 of July 21, 1997.
6. Law of the Kyrgyz Republic "On Environmental Protection" dated June 16, 1999 No. 53.
7. Law of the Kyrgyz Republic "On Public Health" dated July 24, 2009 No. 248.
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17. I.P. Massey: Administrative Law, Eastern Book Company.

VII. COURSE OUTLINE

Week	Class topics	Assignments, materials to be read ¹
Week 1	Acquaintance with the format, main goals and objectives of the course. The modern concept of administrative law. The history of the development of administrative law.	
Week 2	The concept of administrative activities, administrative procedures, the subject of regulation of the Law.	Homework on Case study #1
Week 3	Principles of administrative law – 1 part	Homework on Case study #2
Week 4	Principles of administrative law – 2 part	Homework on Case study #3
Week 5	Stages of administrative procedure. General conditions of the administrative procedure.	Homework on Case study #4
Week 6	Stage of initiation of administrative procedure	Homework on Case study #5
Week 7	The current stage of the administrative procedure	Homework on Case study #6
Week 8		

¹ This information may be provided either in the syllabus or in the e-course.

	MID-TERM EXAMINATION	
Week 9	Completion of the administrative procedure. Administrative act.	Homework on Case study #7
Week 10	Insignificance and cancellation of an administrative act. Enforcement of the administrative act.	Homework on Case study #8
Week 11	Pre-Trial Complaint Procedure	Homework on Case study #9
Week 12	Judicial appeal. Administrative claim and its types.	Homework on Case study #10
Week 13	The order of the administrative court hearing. The principle of an objective investigation in administrative proceedings (inquisitorial principle).	Homework on Case study #11
Week 14	Administrative court decision.	Homework on Case study #12
Week 15	Appeal and review of the court decision	Место для ввода текста.
Week 16	FINAL EXAMINATION Место для ввода текста.	