

# Syllabus

## *Kursbeschreibung*

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| <b>Titel der Lehrveranstaltung</b>                  | Öffentliches Recht und Verwaltungsrecht                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Code der Lehrveranstaltung</b>                   | 27602                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Zusätzlicher Titel der Lehrveranstaltung</b>     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Wissenschaftlich-disziplinärer Bereich</b>       | IUS/09                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Sprache</b>                                      | Italienisch                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Studiengang</b>                                  | Master in Politik öffentlicher Institutionen und innovative Governance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Andere Studiengänge (gem. Lehrveranstaltung)</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Dozenten/Dozentinnen</b>                         | <p>Prof. Stefania Baroncelli,<br/> Stefania.Baroncelli@unibz.it<br/> <a href="https://www.unibz.it/en/faculties/economics-management/academic-staff/person/981">https://www.unibz.it/en/faculties/economics-management/academic-staff/person/981</a></p> <p>Dott. Lucia Busatta,<br/> Lucia.Busatta@unibz.it<br/> <a href="https://www.unibz.it/en/faculties/economics-management/academic-staff/person/31615">https://www.unibz.it/en/faculties/economics-management/academic-staff/person/31615</a></p> <p>Mag.phil.Dr.iur. Christoph Perathoner,<br/> Christoph.Perathoner@unibz.it<br/> <a href="https://www.unibz.it/en/faculties/economics-management/academic-staff/person/40440">https://www.unibz.it/en/faculties/economics-management/academic-staff/person/40440</a></p> |
| <b>Wissensch. Mitarbeiter/Mitarbeiterin</b>         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Semester</b>                                     | Erstes Semester                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Studienjahr/e</b>                                | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>KP</b>                                           | 8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Vorlesungsstunden</b>                            | 48                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Laboratoriumsstunden</b>                         | 10 preparatory course (Busatta) + 12 (Perathoner)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Stunden für individuelles</b>                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| <b>Studium</b>                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Vorgesehene Sprechzeiten</b>     | 24                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Inhaltsangabe</b>                | <p>The course Public and Administrative Law explores the structure and functioning of the State, the principles of public and administrative law, and the multilevel legal system in a European context. It focuses on legal sources, fundamental rights, regional autonomy, and the role of public administration in promoting efficiency, transparency, and sustainability. Particular attention is given to innovative approaches to governance and to the protection of rights in the economic, social, and environmental spheres.</p>                                                                                                                                                                |
| <b>Themen der Lehrveranstaltung</b> | <p>Structure and functioning of the State</p> <p>Concept of democracy</p> <p>Protection of fundamental rights, the environment and the principle of equality</p> <p>Government, federalism, regions and autonomous entities</p> <p>Innovative forms of decision-making</p> <p>Interpretation and general principles for positive social and environmental outcomes</p> <p>Principles governing the organisation of administrations</p> <p>Sources of law:</p> <p>State law</p> <p>Delegated legislation</p> <p>European Union law</p> <p>Ministerial decrees</p> <p>Regional law</p> <p>Regulations</p> <p>Regulations of independent authorities</p> <p>Customs</p> <p>Solutions to conflicts of law</p> |
| <b>Stichwörter</b>                  | <p>State and forms of government</p> <p>Democracy and constitutional principles</p> <p>Fundamental rights and equality principle</p> <p>Environmental protection</p> <p>Federalism and regional autonomy</p> <p>Decision-making process and institutional innovation</p> <p>Legal interpretation and general principles</p> <p>Organization of public administrations</p> <p>Sources of law and hierarchy of norms</p>                                                                                                                                                                                                                                                                                    |

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|                                                                      | <p>Resolution of legal conflicts</p> <p>European Union law and national legal systems</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>Empfohlene Voraussetzungen</b></p>                             | <p>Students without a background in law are encouraged to actively attend the "preparatory course" in law, organized at the beginning of the first semester (prof.ssa Busatta).</p> <p>At the end of the preparatory course, a final test will be administered to assess students' basic knowledge. This test will have no negative consequences and is intended to help students understand their current knowledge level and assist them in selecting appropriate courses. If a student does not pass, they can consult with the Laboratory Lecturer or the Professor to identify ways to improve their understanding.</p> <p>Students who pass with distinction may be awarded up to one additional point</p>                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>Propädeutische Lehrveranstaltungen</b></p>                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>Unterrichtsform</b></p>                                        | <p>Frontal lectures, lab and group work</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>Anwesenheitspflicht</b></p>                                    | <p>Attendance is recommended, but not mandatory.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p><b>Spezifische Bildungsziele und erwartete Lernergebnisse</b></p> | <p>Knowledge and understanding</p> <p>The student will acquire legal knowledge necessary for the training of senior public sector professionals, capable of understanding and managing the dynamics and relationships within public bodies and local, national and supranational administrations. This knowledge is essential to enable students to successfully take part in public competitions.</p> <p>The student will acquire knowledge of organisational models, the business factors involved in the organisation of public enterprises, operating in different sectors (international organisations, central administrations, local authorities, healthcare, public enterprises) and the consequences for the community.</p> <p>The student will also acquire knowledge necessary for developing, managing and evaluating the impact of public projects, and knowledge useful for analysing organisational innovation processes and interpreting current tools and trends relating to personnel management in public companies.</p> <p>Ability to apply knowledge and understanding</p> |

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|                                                                                           | <p>The student will acquire the ability to:</p> <ul style="list-style-type: none"> <li>- interpret and apply the main rules on the organisation and operation of public bodies;</li> <li>- use the techniques of legal reasoning in the field of public administration and the public sector, to use the appropriate legal terminology in the three teaching languages, and to apply the knowledge gained to concrete legal and organisational events at local, national and supranational level.</li> </ul> <p>Autonomy of judgement</p> <p>The student will acquire the ability to select data and use appropriate information to describe a problem concerning the design, implementation and evaluation of public sector projects and policies, aiming at innovation and improvement of processes, products and results.</p> <p>Communication skills</p> <p>The student will acquire the ability to communicate effectively in oral and written form the specialised content of individual disciplines, using different registers according to the target audience and communicative and didactic purposes, and to evaluate the educational effects of his/her communication.</p> <p>Learning skills</p> <p>The student will acquire the ability to:</p> <ul style="list-style-type: none"> <li>- use information technology autonomously to carry out bibliographical research and investigations and for one's own training and further education;</li> <li>- identify thematic links and establish relationships between different cases and contexts of analysis;</li> <li>- frame a new problem systematically and generate appropriate taxonomies;</li> <li>- develop general models from the phenomena studied.</li> </ul> |
| <b>Spezifisches Bildungsziel und erwartete Lernergebnisse (zusätzliche Informationen)</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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| <b>Art der Prüfung</b>     | <p>Attending students</p> <ul style="list-style-type: none"> <li>- Mid-term written exam covering the first third of the course programme (multiple choice questions - 30% of the final mark)</li> <li>- Mid-semester oral exam covering the second third of the course programme (30% of the final mark)</li> <li>- Final written exam on the remaining part of the programme (multiple-choice and open-ended questions - 20% of the final mark)</li> <li>- Laboratory: questions on practical issues and innovative solutions; assessed separately (20% of the final mark)</li> </ul> <p>Non-attending students</p> <p>Final written examination consisting of:<br/>multiple-choice questions,<br/>review questions,<br/>laboratory-related questions and on innovative governance solutions.</p> <p>Note on laboratories</p> <p>Laboratory activities are assessed separately (also for attendance purposes). However, the final exam covers both lectures and laboratory contents.</p> |
| <b>Bewertungskriterien</b> | <p>Written examination</p> <p>Clarity and completeness of answers.</p> <p>Mastery of language: legal appropriateness, grammatical correctness and logical consistency.</p> <p>Ability to summarise, critically evaluate and connect topics.</p> <p>Ability to comment on a legal text and case law.</p> <p>Oral examination</p> <p>Knowledge and understanding of concepts.</p> <p>Mastery of legal language.</p> <p>Ability to express oneself clearly and coherently.</p> <p>Laboratory</p> <p>Ability to participate appropriately in debates.</p> <p>Knowledge of the topics discussed.</p> <p>Ability to critically evaluate legal issues.</p> <p>Writing and presentation skills.</p> <p>Active participation: up to 2 additional points.</p>                                                                                                                                                                                                                                        |

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|                                                 | <p>Bonus points</p> <p>Passing the preparatory course with honours: up to 1 additional point.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Pflichtliteratur</b>                         | <p>T. Groppi – A. Simoncini, Introduzione allo studio del diritto pubblico e delle sue fonti, Giappichelli editore, Torino, last ed. (the entire book)</p> <p>Certain sections of the following books (the exact pages will be indicated in the detailed examination instructions in the Team of the course)</p> <ul style="list-style-type: none"> <li>- S. Baroncelli, Profili costituzionali del Trentino Alto Adige/Südtirol. Lezioni e materiali, Giappichelli, 2015</li> <li>- Baroncelli, Moschella, Morelli, Tiberi, M.P. Vipiana, P. Vipiana</li> <li>- Lineamenti di Diritto pubblico, Giappichelli, 2024</li> <li>- V. Cerulli Irelli, Lineamenti di diritto amministrativo, VII ed., Torino, 2019</li> <li>- Corso – De Benedetto – Rangone, Diritto amministrativo effettivo. Una introduzione, Il Mulino, 2022</li> <li>- United Nations, <i>Good practices and innovations in public governance</i>. United Nations public service awards winners and finalists 2012-2013 <a href="https://www.un-ilibrary.org/content/books/9789210541930#chapters">https://www.un-ilibrary.org/content/books/9789210541930#chapters</a></li> <li>- United Nations, <i>Compendium of Innovative Practices in Public Governance and Administration for Sustainable Development</i>, 2016 <a href="https://www.un-ilibrary.org/content/books/9789210587099">https://www.un-ilibrary.org/content/books/9789210587099</a></li> </ul> |
| <b>Weiterführende Literatur</b>                 | <p>The consultation of the text of the Italian and other States' Constitutions</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Weitere Informationen</b>                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Ziele für nachhaltige Entwicklung (SDGs)</b> | <p>Keine Armut, Kein Hunger, Gesundheit und Wohlergehen, Hochwertige Bildung, Partnerschaften zur Erreichung der Ziele, Menschenwürdige Arbeit und Wirtschaftswachstum, Weniger Ungleichheiten, Frieden, Gerechtigkeit und starke Institutionen, Geschlechter-Gleichheit</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |