LAW210   Administrative Law I (General Remarks)

1st and 2nd quarters, Sophomore

Instructor	TOBE MASUMI
Style of Class	Lecture
Number of Credits	2
Day and Period	To be advised

Course Description

The Administrative Law is a body of law pertaining to "public administration," a set of rules and regulations administrative organs (including public servants) must comply with. Just as there can be no functional soccer player without knowledge of the game's rules, there can be no functional public servant without knowledge of the Administrative Law.

It will be hard for private citizens to determine whether an administrative action (or its practitioner) affecting them is appropriate unless they are familiar with the Administrative Law. However, with knowledge of Administrative Law, we can judge if the administrative activities are appropriately conducted. This familiarity will help foster mutual understanding between citizenry and public administration. Citizens come in contact with public administration far more often than typically understood. Acquisition of "Administrative Law Literacy" is important in and of itself, even if it may not be essential to conducting everyday life.

This course examines systematically an academic discipline called the "Survey of the Administrative Law." Topics to be considered include the essence of public administration, general principles binding public administration, tools (formats of action) of public administration and rules binding them. Students are expected to acquire an ability to use the systematic knowledge attained from the class in thinking legally about administrative activities ubiquitous in their everyday life.

Course Objectives

(1) To acquire systematic knowledge and way of thinking about general principles of public administration activities and their formats (administrative action, administrative legislation, administrative contract, administrative guidance, etc.).

(2) To acquire an ability to use that knowledge and way of thinking in examining and analyzing public administrative action in everyday circumstances from the viewpoint of Administrative Law.

Prerequisites

None.

Class Materials

Textbook

None designated (The lecture will be conducted based on outlines provided by the instructor).

Supplementary Materials

Hashimoto Hiroyuki and Sakurai Keiko, *Gyoseiho* (Administrative Law), Kobundo.

Shiono Hiroshi, *Gyoseiho I, Gyoseiho soron* (Administrative Law I, General Remarks of Administrative Law), Yuhikaku.

Uga Katsuya, *Gyoseiho gaisetsu I* (Outline of Administrative Law I), Yuhikaku.

Bessatsu Jurisuto, *Gyosei hanrei hyakusen I, II* (Jurist, Separate Volume, "Hundred Cases of Administrative Judicial Precedents I, II"), Yuhikaku.

* The latest edition of the above should be referred to.

Course Method

Lecture based on outlines provided by the instructor. Students will be asked to proactively participate in class (by answering simple questions in class) as appropriate.

Evaluation/Assessment

The grade evaluation will be based upon the attitude toward the lecture (responses to questions, etc.) and written examinations (short-answer examinations + essay tests).

Grading

30%   Attitude toward lecture
70%   Written examinations

Course Schedule

Week 1:   Fundamental Concepts of Administrative Law
Introduction of the fundamental concepts for such as "state" or "administration" and the characteristics of administrative activities.

Week 2:   Source of Law of Administrative Law
"Law" as the term used in the administrative law (source of laws theory).

Week 3:   Nomocracy
"Nomocracy" (principle of administration based upon the rule of law) as the basic principle of administrative law, as in the case of simultaneous checking of automobiles.

Week 4:   Principle of Good Faith
Principle of good faith as the general principle of law, as seen in the matters of the administrative law.

Week 5:   Administrative Legislation
Legal characteristics of administrative legislation (statutory order and administrative rules), focusing on the difference between the two.

Week 6:   Administrative Acts (1)
Types of administrative acts (how used) and their legal implications.

Week 7:   Administrative Acts (2)
Defects in administrative acts and distinction between ex-officio revocation and withdrawal.

Week 8:   Administrative Acts (3)
Applicability of the discretion of the administration body in the matters of administrative acts and the cases of illegality.

Week 9:   Administrative Acts (4)
Applicability of the discretion of the administration body in the matters of administrative acts and the cases of illegality.

Week 10: Administrative Procedures (1)
Procedures prescribed with respect to "disposition in response to application" and procedures concerning "adverse dispositions" under the Administrative Procedure Act.

Week 11: Administrative Procedures (2)
Procedures prescribed with respect to the administrative guidance under the Administrative Procedure Act, and the permitted extent of the persuasion by way of administrative guidance.

Week 12: Administrative Contracts/Administrative Planning
Legal characteristics of administrative contracts and administrative planning, with focus on how the principle of "freedom of contract" may be restricted.

Week 13: Compulsory Execution for Administrative Purposes and Administrative Penalties
Types of compulsory execution for administrative purposes and administrative penalties and their legal characteristics.

Week 14: Information Law
Overview of the information law, which consists of official information disclosure system and personal data protection system.

Week 15: Course Wrap-up
Review of the entire course and reconfirmation of the significance of studying administrative law.

Preparation and Follow-up

Confirm the contents of the lecture outline prepared by the instructor before coming to class. If there is a supplementary materials book suggested in the outline, read their relevant chapters to prepare for the class.

Review after the class the key points of the lecture in an effort to accurately understand each concept studied. Sort out any questions and ask them at the next class.