

Wojciech Zagorski

Le contentieux des actes administratifs non décisaires

Contribution à une typologie
du droit souple

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marc & martin

Droit public

Contentieux Actes Administratifs Non Decisoires

Edouard Laferrière



Contentieux Actes Administratifs Non Décisaires:

Le contentieux des actes administratifs non décisaires Wojciech Zagorski, 2016-01-07 Tous les juristes connaissent la distinction entre les décisions administratives et les actes administratifs non décisaires Cette distinction d'origine en principe la recevabilité du recours contentieux elle a fait l'objet de nombreux travaux Les distinctions entre les actes non décisaires restent en revanche très largement moins connues Or la prise en compte des actes non décisaires par les instances juridictionnelles aussi bien administratives que judiciaires incite repenser la place reconnue ces actes la fois dans la pratique et dans la théorie du droit En effet certains de ces actes comme les recommandations de bonnes pratiques médicales peuvent faire l'objet d'un recours pour excès de pouvoir et sont pleinement invocables devant le juge Les autres comme les vœux ou les circulaires chappent le plus souvent toute contestation et ne peuvent pas être utilement invoqués en justice D'autres enfin comme les actes préparatoires ou les lignes directrices sont soumis à un régime juridique intermédiaire insusceptibles de faire l'objet d'une contestation directe ces actes font l'objet d'une exception d'illégalité et les justiciables peuvent s'en prévaloir l'appui de leurs prétentions Comment expliquer ces différences En tentant de répondre cette question l'auteur constate que l'héritage actuel du droit souple n'est pas toujours justifié D'ailleurs il y a une simplification possible qui consisterait soumettre les actes non décisaires à un régime juridique plus homogène et permettrait de leur réserver un traitement juridictionnel plus uniforme Cette simplification n'est pourtant envisageable que si l'on franchit au préalable les barrières théoriques séparant le droit souple du droit dur En s'appuyant sur les acquis de la philosophie générale du langage l'auteur propose donc une systématisation des connaissances en intégrant les actes non décisaires dans la famille des actes unilatéraux traditionnellement considérés comme contraignants La simplification de la pratique jurisprudentielle passe donc par une sorte d'unification théorique Tels sont les principaux objectifs de la présente thèse *La contrainte en droit. The constraint in law* Ermanno Calzolaio, Pierre Serrand, 2017

Droit administratif général Catherine Logéat, Christine Paillard, 2010-10-20 La mise jour tient compte de l'évolution législative et de la jurisprudence Le droit administratif général est la majeure la plus redoutée par les étudiants de science politique et de droit L2 Pour réussir il faut en maîtriser les grands principes les évolutions de la jurisprudence mais surtout savoir les appliquer Fortement méthodologique ce manuel aborde les trois modalités du contrôle de connaissances sous forme d'exemples concrets commentaire de décision du Conseil d'Etat dissertation cas pratique

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principes du droit administratif applicables en Polynésie française quelle que soit la collectivité publique concernée l'état la collectivité d'outre-mer de Polynésie française et les communes Cet ouvrage de référence est principalement destiné aux étudiants de deuxième année de licence en droit de l'université de la Polynésie française mais il intéressera aussi tous les juristes et fonctionnaires confrontés régulièrement à l'application des règles du droit public en Polynésie française *L'administration publique au Tchad à l'ère de la décentralisation* Patrick Djimassal, 2019-08-30 La gestion de l'Administration publique reste une question d'actualité compte tenu de ses mutations incessantes liées son adaptabilité aux réalités quotidiennes induites par les conjonctures socio-économiques et culturelles Ouvrage de Droit public ce document est consacré purement à l'activité administrative des personnes morales de droit public Document pédagogique il traite des Institutions administratives ou de l'Organisation administrative de la République du Tchad sous une approche conciliant l'histoire du droit le droit positif et le droit prospectif Il traite en même temps du Droit des services publics et du Droit administratif applicables en République du Tchad Les actes préparatoires Marie Lapaire, 2023-07-26 L'acte administratif unilatéral est le fruit d'un processus jalonné d'étapes que la technicisation de l'action administrative et l'essor de la démocratie administrative ont rendu de plus en plus nombreuses Ces étapes peuvent se matérialiser en des actes administratifs unilatéraux baptisés actes préparatoires par un juge qui nous dit peu de choses sur eux si ce n'est qu'ils ne font pas grief aux intéressés et ne sont pas de nature à être déférés au juge de l'exercice de pouvoir mais que leur irrégularité pourra être invoquée par voie d'exception Au fil des décisions s'est dessinée une liste des actes entrant dans le champ de la notion d'actes préparatoires avis rapports enquêtes administratives lettres mises en demeure etc Il convenait d'extraire de la jurisprudence les traits communs de ces actes de formes très diverses pour mettre de l'ordre dans une catégorie juridique purement procédurale *Traité de contentieux administratif: Compétence juridictionnelle (suite) Procédure contentieuse administrative. Recours juridictionnels en matière administrative* Jean Marie Auby, Roland Drago, 1962 **Traité de contentieux administratif: Procédure (suite). Recours juridictionnels.**

Décisions rendues par les juridictions administratives. Appel. Cassation. Nos 841 à 1475 Jean Marie Auby, 1975 Essai sur la structure du contentieux administratif français Fabrice Melleray, 2001 *Droit du contentieux administratif* René Chapus, 1990 **Le contrôle des actes administratifs en droit chinois et sa réforme** Sheng Meng, 1991 GERANT DES AFFAIRES PUBLIQUES POUR UN MILLIARD D'ADMINISTRÉS ET SOUTENUE PAR UN PARTI UNIQUE PARTI COMMUNISTE CHINOIS L'ADMINISTRATION CHINOISE EST SANS DOUTE UNE DES PLUS PUISSANTES DANS LE MONDE C'EST LA RAISON POUR LAQUELLE LE CONTRÔLE DES ACTES ADMINISTRATIFS EN DROIT CHINOIS SE HEURTE À DES DIFFICULTÉS TANT SUR LE PLAN DOCTRINAL QUE SUR LE PLAN PRATIQUE CEPENDANT DEPUIS QUE LA CHINE SE LANCE DANS UN MOUVEMENT REFORMATEUR LE DÉVELOPPEMENT ÉCONOMIQUE QUI FAVORISE PLUS OU MOINS L'ABUS DU POUVOIR PUBLIC EXIGE INÉVITABLEMENT UNE RÉFORME ET UN RENFORCEMENT DU CONTRÔLE DE L'ADMINISTRATION C'EST AINSI QUE LE RÉGIME DU CONTRÔLE DES ACTES ADMINISTRATIFS DE

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