

Diritto amministrativo

Il diritto amministrativo = **diritto delle PA + diritti dei rapporti tra cittadino e PA**

Fonti: **- Costituzione**

alcuni istituti:

- l. 241 del 1990

I principi sono fondamentali per comprendere

● Di precauzione

● Di pubblicità

● Di trasparenza = contrastare la corruzione

(anticorruzione parliamo di

mala amministrazione che fa oltre la fattispecie penale)

Insieme di regole che disciplina:

- **L'organizzazione delle PA** = Interpretazione soggettiva ossia quali sono le strutture, gli enti pubblici e come sono articolate al loro interno le PA

Autorità indipendenti Es banca di Italia, le società pubbliche sono soggetti che hanno una forma di diritto privato ma sono partecipate da soggetti pubblici

- **Attività delle PA** = Punto di vista oggettivo, sono le attività in concreto poste in essere dalla PA e i poteri esercitati. Deriva l'attività provvedimentale

DIRITTO PUBBLICO = ma contaminato dal diritto privato

Es il pubblico impiego segue regole proprie del pubblico impiego ma l'amministrazione opera come un datore di lavoro privato nella fase esecutiva ossia una volta che il contratto è stato stipulato il soggetto è assunto. Contaminazione perché non c'è una equiparazione totale; all'esecuzione del contratto di lavoro si applica a diritto privato ma questa privatizzazione non trova applicazione per alcune categorie speciali di lavoratori e per tutte le fasi di accesso a pubblico impiego (assunzione e partecipazione concorso pubblico). La fase dell'assunzione rimane pubblicistica mentre la fase successiva è privatizzata

Poteri della PA:

1. **Autorizzatorio** = Es il permesso di costruire
2. **Dichiarativo** = Es dichiarazione di essere diplomati al momento di matricolazione all'università
3. **Ablatori e sanzionatori** = incidono negativamente sul soggetto destinatario Es espropriazione

Il procedimento della PA

La PA agisce secondo un **procedimento preciso** che consente a tutti i soggetti interessati di capire cosa l'amministrazione sta facendo e che consente ai soggetti interessati a partecipare all'azione.

Provvedimenti amministrativi

Atti con cui concretamente l'amministrazione esercita il potere. Casi di silenzio della PA:

- Silenzio assenso = silenzio significativo che produce effetti di un provvedimento amministrativo
- Silenzio di mero fatto = inerzia che apre la strada alla tutela del cittadino avverso a quel silenzio

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primary objective

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