


Revisiting the requirements of the administrative act due to new technologies: Part I – Legal existence plan

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Palavras-chave: administrative act; administrative act requirements; computer administrative act; electronic administrative act; automatic administrative act

Summary

This essay revisits the theory of administrative act requirements in order to adapt it to acts issued by electronic means. This text identifies only the requirements (assumptions and conditions) of existence of the administrative act using the hermeneutics of facticity. The assumptions – pre-existing and extrinsic – are the physical impulse and the object. The physical impulse can be psychological or electronic. The physical-psychological is the driving force that creates the analog administrative act or the synchronous computer act. The physical-electronics is the driving force from the act-program that creates the automatic administrative act. The conditions – intrinsic – are the existential form and the nature of legal-administrative content. The first is the outer lining of the act. The second, the appearance that there is manifested legal content and that it seems to be linked to the administrative function.

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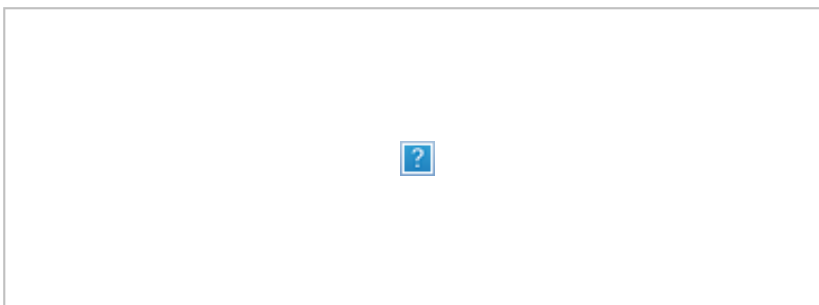
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