

UČNI NAČRT PREDMETA / COURSE SYLLABUS	
Predmet:	Davčno pravo
Course title:	Tax Law

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Pravo 2. stopnje		1/2	1/2
Law 2nd Degree		1/2	1/2

Vrsta predmeta / Course type

obvezni modularni / mandatory modular

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Sem. vaje Tutorial	Lab. vaje Laboratory work	Teren. vaje Field work	Samost. delo Individ. work	ECTS
30	0	0	0	0	120	6

Nosilec predmeta / Lecturer:

doc. dr. / assist. prof. dr. Martin Dekleva / doc. dr. Marjan Špilar / assist. prof. dr. Marjan Špilar

**Jeziki /
Languages:**

**Predavanja /
Lectures:** slovenski jezik / Slovenian
Vaje / Tutorial:

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:

Ni posebnih pogojev.

Vsaj 80 % prisotnost na predavanjih.

Prerequisites:

There are no special conditions.

At least 80% attendance at lectures.

Vsebina:

Content (Syllabus outline):

Študenti se poglobljeno seznanijo z materialnim in procesnim delom davčnega prava. Na ravni magistrskega študija so natančno in v kontekstu medsebojne povezanosti obravnavani posamezni davčnopравни instituti.

I. Materialno davčno pravo

- Pojem in pomen davčnega prava
- Pojem davka in drugih javnih dajatev
- Osnovni davčni pojmi
- Viri davčnega prava
- Davčna obveznost in davčno razmerje
- Temeljna pravna načela na davčnem področju in njihov pomen pri predpisovanju davkov
- Ustavnopravni vidiki davkov
- Klasifikacija davkov in davčnih sistemov
- Davki in pravo Evropske unije
- Dohodnina
- Davek od dohodkov pravnih oseb
- Davek na dediščine in darila
- Davek na nepremičnine
- Davek na dodano vrednost (DDV)

II. Procesno davčno pravo

- Opredelitev davčnega postopka in splošna procesna pravila
- Načela davčnega postopka
- Udeleženci davčnih postopkov in njihovi pravni položaji
- Procesna jamstva v davčnih postopkih
- Davčna tajnost
- Ugotovitveni postopek in dokazovanje
- Zastaranje
- Pravni akti
- Pravna sredstva
- Zavarovanje izpolnitve in plačila davčne obveznosti
- Davčna izvršba
- Davčni nadzor
- Mednarodno sodelovanje

Students gain an in-depth understanding of the substantive and procedural aspects of tax law. At the postgraduate level, individual tax law institutions are examined in detail and within the context of their interconnection.

I. Substantive Tax Law

- The concept and importance of tax law
- The concept of tax and other public levies
- Basic terms in the field of taxation
- Sources of tax law
- Tax obligations and tax law relationships
- Fundamental legal principles in the field of taxation and their importance in tax legislation
- Constitutional aspects of taxation
- Classification of taxes and tax systems
- Taxes and European Union law
- Personal income tax
- Corporate tax
- Inheritance and gift tax
- Property tax
- Value-added tax (VAT)

II. Procedural Tax Law

- Definition of tax procedures and general procedural rules
- Principles of tax procedure
- Participants in tax procedures and their legal positions
- Procedural guarantees in tax procedures
- Tax secrecy
- Investigation procedures and evidence
- Statute of limitations
- Legal acts
- Legal remedies
- Securing the fulfilment and payment of tax obligations
- Tax enforcement
- Tax supervision
- International cooperation

Temeljna literatura in viri / Readings:

Obvezna literatura in viri:

Kerševan, E., Podlipnik, J. (ur.), Splošno davčno pravo, Lexpera, GV Založba, Ljubljana 2023.

Jerovšek, T., Simić, I., Škof, B. (ur.), Zakon o davčnem postopku s komentarjem, Davčno izobraževalni inštitut, Ljubljana, Davčno finančni raziskovalni inštitut, Maribor, 2008.

Gormley, L. W., EU taxation law, Richmond Law & Tax, Richmond 2005.

Relevantna zakonodaja, izbrane (zlasti novejša) odločitve Vrhovnega sodišča Republike Slovenije in Ustavnega sodišča Republike Slovenije ter literatura, ki bo študentom predstavljena na predavanjih.

Priporočena literatura:

Kovač, P. (ur.), Davčno pravo med teorijo in prakso s komentarjem 70.–90. člena ZDavP-2, Uradni list Republike Slovenije, Ljubljana 2021.

Škof, B. in drugi, Davčno pravo, Pravna fakulteta univerze v Mariboru in Davčno-finančni raziskovalni inštitut, Maribor 2007.

Tratar, B., Kruhar Puc, R., Novi davčni postopek: Zakon o davčnem postopku (ZDavP-1): s pojasnili in primeri iz prakse, Legat, Lesce 2005.

Helminen, M., EU Tax Law – Direct Taxation, 2018 edition, IBFD, Amsterdam 2018.

Birk, D., in drugi, Steuerrecht, Triindvajseta dop. izdaja, CF Müller, Heidelberg 2020.

Cilji in kompetence:

Študenti/ke bodo pridobili naslednje predmetno specifične kompetence:

- seznanili se bodo s temeljnimi pojmi na davčnopravnem področju in z elementi davčnega sistema,
- spoznali bodo pravne vire na davčnem področju,
- spoznali bodo različne vrste davkov in njihove pravne vidike,
- spoznali bodo slovenski davčni sistem in značilnosti posameznih davkov ter vplive prava Evropske unije na davčnem področju,
- razumeli bodo ustavnopravne vidike davkov,
- seznanili se bodo s pomembnimi stališči davčnih organov v zvezi z različnimi vidiki obdavčitve,
- seznanili se bodo z relevantno sodno prakso na davčnem področju,
- spoznali bodo davčni postopek, njegova pravila in načela,
- seznanili se bodo s pravnimi sredstvi na področju davkov, postopki davčne izvršbe in davčnega nadzora ter mednarodnim sodelovanjem,
- naučili se bodo prepoznavati in razreševati

Objectives and competences:

Students will gain the following subject specific competences:

- They will become familiar with fundamental concepts in the field of tax law and the elements of the tax system.
- They will gain knowledge of legal sources in the area of taxation.
- They will gain knowledge of different types of taxes and their legal aspects.
- They will study the Slovenian tax system, the characteristics of specific taxes, and the influence of European Union law on taxation.
- They will understand the constitutional aspects of taxation.
- They will become familiar with important positions adopted by tax authorities regarding various aspects of taxation.
- They will become familiar with relevant case law in the field of taxation.
- They will study tax procedures, their rules, and principles.
- They will become familiar with legal remedies in taxation, procedures for tax enforcement, tax supervision, and international cooperation.
- They will learn to identify and resolve relevant

relevantna pravna vprašanja na konkretnih davčnih primerih,

- znali bodo kritično predstaviti različne bistvene elemente pravne ureditve davkov.

Študenti/ke bodo pridobili naslednje splošne kompetence:

- usvojili bodo sposobnost prepoznavanja pravnih problemov, ki so v danih situacijah bistvenega pomena,
- razvili bodo sposobnost natančnega branja, razumevanja in pisanja oziroma izražanja,
- naučili se bodo razlage in uporabe pravnih pravil,
- spoznali bodo metode pravnega raziskovanja,
- pridobili bodo sposobnosti kritične analize pridobljenih znanj,
- razvili bodo sposobnosti sodelovanja pri razreševanju pravnih problemov in razumevanja ter usklajevanja različnih stališč,
- naučili se bodo argumentirati svoja mnenja glede splošnih in konkretnih pravnih vprašanj,
- nadgradili bodo veščine različnih oblik komunikacije,
- naučili se bodo razreševanja konkretnih pravnih problemov na osnovi splošnih spoznanj,
- nadgradili bodo obstoječa znanja in izkušnje na drugih pravnih področjih,
- razvili bodo tudi občutek za etično in moralno dimenzijo prava.

legal issues in specific tax cases.

- They will be able to critically present essential elements of the legal regulation of taxes.

Students will gain the following general competences:

- They will develop the ability to identify legal issues that are essential in specific situations.
- They will enhance their skills in precise reading, comprehension, and writing or expression.
- They will learn to interpret and apply legal rules.
- They will become familiar with methods of legal research.
- They will gain the ability to critically analyze acquired knowledge.
- They will develop collaborative skills for resolving legal problems and understanding and reconciling differing opinions.
- They will learn to articulate their opinions on general and specific legal issues.
- They will improve their skills in various forms of communication.
- They will learn to solve specific legal problems based on general findings.
- They will build upon existing knowledge and experience in other areas of law.
- They will also develop an awareness of the ethical and moral dimensions of law.

Predvideni študijski rezultati:

Znanje in razumevanje:

- celovito poznavanje in razumevanje slovenskega davčnega prava na magistrski ravni,
- natančno poznavanje davčnega prava kot pravne panoge in razumevanje njegovih razmerij z drugimi pravnimi panogami,
- poglobljeno poznavanje teoretičnih in praktičnih izhodišč davčnega prava,
- široko razumevanje davčnih pojmov, elementov obdavčitve in slovenskega

Intended learning outcomes:

Knowledge and understanding:

- comprehensive knowledge and understanding of Slovenian tax law at the postgraduate level,
- in-depth knowledge of tax law as a legal discipline and its relationships with other branches of law,
- advanced understanding of theoretical and practical foundations of tax law,
- broad understanding of tax concepts, elements of taxation, the Slovenian tax system, and the influence of European Union law,

davčnega sistema ter vplivov prava Evropske unije,

- razumevanje slovenskega davčnega sistema v mednarodnem okolju,
- poznavanje različnih davkov v vsebinskem in postopkovnem pogledu,
- razumevanje pravil in načel davčnega postopka,
- razumevanje uporabe različnih pravnih sredstev v davčnem postopku,
- sposobnost poglobljene in kritične analize prakse davčnih organov in sodišč,
- poznavanje aktualnega znanstvenega razvoja na področju davčnega prava,
- razumevanje odprtih davčnopравnih vprašanj,
- poznavanje in uporabljanje različnih metodoloških pristopov pri raziskovanju na področju davčnega prava,
- povezovanje različnih pravnih znanj,
- uporabljanje spoznanj teorije davčnega prava v praksi.

- understanding of the Slovenian tax system within an international context,
- knowledge of various taxes from substantive and procedural perspectives,
- understanding of the rules and principles governing tax procedures,
- understanding the use of different legal remedies in tax procedures,
- ability to conduct in-depth and critical analysis of the practices of tax authorities and courts,
- familiarity with current academic developments in the field of tax law,
- understanding of current tax law issues,
- knowledge and application of various methodological approaches in tax law research,
- integration of knowledge from different areas of law,
- application of theory in practice.

Metode poučevanja in učenja:

Oblike dela:

- ☒ Frontalna oblika poučevanja
- ☒ Delo v manjših skupinah oz. v dvojicah
- ☒ Samostojno delo študentov
- ☒ e-učenje
- ☐ drugo (vpišite) _____

Metode (načini) dela:

- ☒ Razlaga
- ☒ Razgovor/ diskusija/debata
- ☒ Delo z besedilom
- ☒ Proučevanje primera
- ☐ Igra vlog
- ☐ Druge vrste nastopov študentov
- ☒ Reševanje nalog
- ☐ Študijski obiski podjetij ipd.)
- ☐ Vključevanje gostov iz prakse
- ☐ Udeležba na okrogli mizi, na konferenci

Learning and teaching methods:

Types of learning/teaching:

- ☒ Frontal teaching
- ☒ Work in smaller groups or pair work
- ☒ Independent students work
- ☒ e-learning
- ☐ other _____

Teaching methods:

- ☒ Explanation
- ☒ Conversation/discussion/debate
- ☒ Work with texts
- ☒ Case studies
- ☐ Role-play
- ☐ Different presentation
- ☒ Solving exercises
- ☐ Field work (e.g. company visits)
- ☐ Inviting guests from companies
- ☐ Attending round table and conference

Delež (v %) /

Načini ocenjevanja:

Weight (in %)

Assessment:

Pisni izpit.

100 %

Written exam.

Reference nosilca / Lecturer's references:

Martin Dekleva je docent za Upravno pravo in Pravo javne uprave na Evropski pravni fakulteti (Nova univerza). Diplomiral je leta 2012 na Pravni fakulteti Univerze v Ljubljani. Na isti fakulteti je leta 2017 tudi doktoriral s področja upravnega prava. Leta 2015 je opravil pravniški državni izpit. Dejaven je tako v praksi kot na znanstveno-raziskovalni ravni. Zaposlen je kot svetovalec na Ustavnem sodišču Republike Slovenije, bil pa je tudi odvetnik in strokovni sodelavec na Upravnem sodišču Republike Slovenije. V okviru svojega dela je med drugim sodeloval pri oblikovanju zakonodaje, ki je povezana z upravnopravnim področjem, pripravljala je različna pravna mnenja in se udeleževal tudi na mednarodni ravni. Je avtor več strokovnih in znanstvenih člankov.

Bibliografija (seznam objav):

https://bib.cobiss.net/bibliographies/si/webBiblio/bib201_20241215_212114_a221536099.html

Martin Dekleva is an Assistant Professor in the field of Public Administration and Administrative Law at the European Faculty of Law (New University). He graduated in 2012 from the Faculty of Law at the University of Ljubljana. At the same faculty he also obtained his PhD in administrative law in 2017. In 2015, he passed the state bar exam. He is active both in practice and at the scientific-research level. He works as an advisor at the Constitutional Court of the Republic of Slovenia and has also been a senior associate in a law firm and a legal assistant at the Administrative Court of the Republic of Slovenia. In the context of his work, he has participated in drafting legislation related to administrative law, prepared various legal opinions and has been active internationally. He is the author of several professional and scientific articles.

Bibliography (list of publications):

https://bib.cobiss.net/bibliographies/si/webBiblio/bib201_20241215_212114_a221536099.html