UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	**Družinska mediacija**
Course title:	**Family mediation**

Študijski program in stopnja **Study programme and level**	**Študijska smer** **Study field**	**Letnik** **Academic year**	**Semester** **Semester**
Pravo 3. stopnje	Alternativno reševanje sporov	2	1
Law 3rd Degree	Alternative dispute resolution	2	1

Vrsta predmeta / Course type:	izbirni/elective
Koda predmeta /Course code:	

Predavanja **Lectures**	**Seminar** **Seminar**	**Vaje** **Tutorial**	**Druge oblike študija** **Other type study**	**Samost. delo** **Individual work**	**ECTS**
20	0	0	0	230	10

Nosilec predmeta / Lecturer:	izr. prof. dr. Maja Ovčak Kos/Assoc. Prof. Maja Ovčak Kos, PhD
Jeziki/Languages: Predavanja / Lectures:	slovenski jezik/Slovenian
Seminar / Seminar:	slovenski jezik/Slovenian

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:	**Prerequisites:**
Zahteva se vsaj 80 % prisotnost na predavanjih in vajah.	At least 80% attendance at lectures and tutorials is required.

Vsebina	**Content (Syllabus outline)**
Družinska mediacija obravnava naslednja osnovna področja: Pojem mediacije in njene pravne podlage; mediacija v družinskih sporih po Družinskem zakoniku in drugih predpisih; posebnosti mediacije pred centri za socialno delo; nasilje in zlorabe v družinskih odnosih in zagovornik otroka; problematika priprave in oblikovanja sporazuma v družinsko pravnih sporih; posebnosti pogajanj v družinsko pravnih sporih, z analizo relevantne sodne prakse in konkretnih primerov.	The course Family mediation addresses the following basic areas: The concept of mediation and its legal basis; mediation in family disputes according to the Family Code and other regulations; specifics of mediation in front of social work centers; violence and abuse in family relationships and child advocate; issues of preparation and drafting of an agreement in family law disputes; specificities of negotiations in family law disputes, with an analysis of relevant case law and concrete cases.

Temeljna literatura in viri / Readings:

- G. Ristin, Z. Hajtnik (rd.), Mediacija v teoriji in praksi: veliki priročnik o mediaciji. Ljubljana, 2011, Društvo mediatorjev Slovenije (izbrana poglavja).
- B. Novak (rd): Komentar Družinskega zakonika, Uradni list RS, Ljubljana 2019 (izbrana poglavja).
- L. Parkinson, Family Mediation, 4th edition, Jordan Publishing 2020.

- L. Parkinson, Družinska mediacija. Ljubljana: Inštitut za mediacijo Concordia, Ljubljana 2017 (izbrana poglavja).
- M. Roberts, Mediation in Family Disputes, Principles of Practice, 4th edition, Routledge 2015.
- C. Jaspers, Mandatory Mediation from a European and Comparative Law Perspective. V: K. Boele-Woelki & D. Martiny (Eds.), Plurality and Diversity of Family Relations in Europe, 2019 (str. 341-370).
- Družinski zakonik, Uradni list RS, št. 15/17 z dne 31. 3. 2017.

Cilji in kompetence:

Študenti/ke bodo pridobili naslednje **splošne kompetence:**

- poznavanje in razumevanje pojmov mediacije in družinske mediacije, načel in pravil z navedenih področij,
- razumevanje pomembnosti uporabe metode mirnega reševanja sporov v družinsko pravnih sporih;
- sposobnost samostojnega in avtonomnega študijskega dela;

Študentje bodo razvili **predmetno-specifične kompetence**:

- razvoj sposobnosti kritično analizirati pravne vire in pravna besedila;
- sposobnost kritične strokovne razprave in analize o temeljnih pojmih, načelih in pravilih s področja mediacije v družinsko pravnih sporih,
- sposobnost ustreznega navajanja domačih in mednarodnih pravnih virov, domače in mednarodne (sodne) prakse s področja družinske mediacije.

Objectives and competences:

Students will gain the following general competences:

- knowledge and understanding of the concepts of mediation and family mediation, principles and rules in the above areas,
- understanding the importance of using the method of peaceful settlement of disputes in family law disputes;
- ability of independent and autonomous study work;
- developing the ability to critically analyse legal sources and legal texts;

Students will develop the following **course-specific competences:**

- ability to critically discuss and analyse the basic concepts, principles and rules in the field of mediation in family law disputes,
- ability to adequately cite domestic and international legal sources, domestic and international (judicial) practice in the field of family mediation.

Predvideni študijski rezultati:
Znanje in razumevanje:

Študent bo:
- poznal in razumel pojem mediacije
- poznal pravne podlage družinske mediacije in posebnosti po Družinskem zakoniku,
- poznal posebnosti mediacije pred centri za socialno delo;
- poznal problematiko nasilja in zlorab v družinskih odnosih in pojem zagovornik otroka;
- pridobil znanje za pisanje sporazuma v družinsko pravnih sporih.

Intended learning outcomes:
Knowledge and understanding:

Student will:
- know and understood the concept of mediation
- know the legal basis of family mediation and the specifics of the Family Code,
- know the specifics of mediation in front of social work centres;
- will be familiar with the issue of violence and abuse in family relations and the concept of a child advocate;
- acquired knowledge for writing an agreement in family law disputes.

Metode poučevanja in učenja:	**Learning and teaching methods:**
Oblike dela: ☒ Frontalna oblika poučevanja ☒ Delo v manjših skupinah oz. individualno ☒ Samostojno delo študentov ☒ študij s pomočjo IKT tehnologije ☐ drugo (vpišite) _____ **Metode (načini) dela:** ☒ Razlaga ☒ Razgovor/ diskusija/debata ☒ Delo z besedilom ☒ Proučevanje primerov raziskav ☐ Igra vlog ☒ Druge vrste nastopov študentov ☒ Reševanje nalog/vaje ☐ Študijski obiski podjetij ipd.) ☒ Vključevanje gostov iz prakse ☒ Udeležba na okrogli mizi, na konferenci	**Types of learning/teaching:** ☒ Frontal teaching ☒ Work in smaller groups or individual work ☒ Independent students work ☒ studies using ICT technology ☐ other _____ **Teaching methods:** ☒ Explanation ☒ Conversation/discussion/debate ☒ Work with texts ☒ Research case studies ☐ Role-play ☒ Different presentation ☒ Solving exercises/study exercises ☐ Field work (e.g. company visits) ☒ Inviting guests from companies ☒ Attending round table and conference

Načini ocenjevanja: **Način (pisni izpit, ustno izpraševanje, naloge, projekt)**	**Teža (v %) /** **Weight (in %)**	**Assessment:** **Type (examination, oral, coursework, project)**
Sprotno ustno (aktivno sodelovanje pri kontaktnih urah in pri raziskavah)		Oral verification and assessment of knowledge
Sprotno pisno preverjanje znanja (krajši pisni izdelki)		Written verification and assessment of knowledge (short written casework)
Daljši pisni izdelki (seminarska naloga, projektna naloga, raziskovalna poročila)		Longer written casework
Javni nastop in predstavitev lastnega raziskovalnega dela		Public presentation of one's research
Končni ustni izpit		Final examination (oral)
Končni pisni izpit	**100**	Final examination (written)
Drugo (vpišite)		Other:

Reference nosilca / Lecture's references:

Dr. Maja Ovčak Kos, izredna profesorica za področje civilno in gospodarsko pravo, je v letu 2003 cum laude diplomirala na Pravni fakulteti Univerze v Ljubljani. Za diplomsko delo je prejela nagrado dr. Slavka Zoreta. Na Pravni fakulteti Univerze v Ljubljani je v letu 2008 končala znanstveni magistrski študij civilnega in gospodarskega prava. V letu 2013 je na isti fakulteti doktorirala z doktorsko disertacijo Pogodbena svoboda in njene omejitve v avtorskem pravu. S področja (evropskega) civilnega prava, prava intelektualne lastnine in alternativnega reševanja sporov se je med leti 2003 in 2017 večkrat usposabljala in izobraževala tudi v tujini. Je izredna profesorica za civilno in gospodarsko pravo in avtorica več strokovnih pravnih študij, npr. Analiza ključnih odločb slovenskih sodišč v zvezi z uveljavljanjem pravic intelektualne lastnine (Urad za intelektualno

lastnino RS), Consumer market study on the functioning of the real estate services for consumers in the European Union (Evropska komisija in Pravna fakulteta Univerze v Bremenu) itd. Od leta 2017 opravlja tudi delo odvetnice, kjer se ukvarja predvsem s pravom intelektualne lastnine, civilnim (npr. odškodninskim, medijskim pravom idr.) in gospodarskim pravom. Odvetniška zbornica Slovenije ji je v marcu 2017 podelila naziv odvetnica specialistka za civilno in gospodarsko pravo. Sicer ima v pravosodju, zlasti na Višjem sodišču v Ljubljani in na Vrhovnem sodišče RS, več kot 15 let delovnih izkušenj. Je tudi izkušena mediatorka v programih sodišču pridružene mediacije in trenerka za izobraževanje novih mediatorjev.

Izbrane objave
https://plus.si.cobiss.net/opac7/bib/search?q=ov%C4%8Dak+kos&db=cobib&mat=allmaterials

Lecturer's references:

dr. Maja Ovčak Kos, associate professor in the field of civil and commercial law, graduated cum laude from the Faculty of Law of the University of Ljubljana in 2003. For her graduation thesis, she received the award of dr. Slavka Zoreta. In 2008, she completed her master's degree in civil and commercial law at the Faculty of Law of the University of Ljubljana. In 2013, she obtained her doctorate at the same faculty with her doctoral dissertation Contractual freedom and its limitations in copyright law. Between 2003 and 2017, she received several trainings and educations abroad in the field of (European) civil law, intellectual property law and alternative dispute resolution. She is an associate professor of civil and commercial law and the author of several professional legal studies, e.g. Analysis of key decisions of Slovenian courts regarding the enforcement of intellectual property rights (Office of Intellectual Property of the Republic of Slovenia), Consumer market study on the functioning of the real estate services for consumers in the European Union (European Commission and Faculty of Law, University of Bremen), etc. Since 2017, she has also been working as a lawyer, where she mainly deals with intellectual property law, civil law (e.g. compensation, media law, etc.) and commercial law. In March 2017, the Slovenian Bar Association awarded her the title of lawyer specialist in civil and commercial law. Otherwise, he has more than 15 years of work experience in the judiciary, especially at the High Court in Ljubljana and the Supreme Court of the Republic of Slovenia. She is also an experienced mediator in court-affiliated mediation programs and a trainer for training new mediators.

Selected publications
https://plus.si.cobiss.net/opac7/bib/search?q=ov%C4%8Dak+kos&db=cobib&mat=allmaterials