

**UČNI NAČRT PREDMETA / COURSE SYLLABUS**

**Predmet:** Gospodarsko kazensko pravo  
**Course title:** Economic criminal law

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Civilno in gospodarsko pravo - 2. stopnja		2.	1.
Civil and Commercial Law - 2nd degree		2.	1.

**Vrsta predmeta / Course type**

Izbirni/Elective

**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:**

prof. dr. Anže Erbežnik

**Jeziki /**

**Languages:**

Slovenian

**Predavanja /**

**Lectures:**

**Vaje / Tutorial:**

Slovenski jezik/Slovenian/Angleški jezik/English

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

Vpis v drugi letnik podiplomskega študijskega programa.

Vsaj 80% prisotnost na predavanjih.

**Prerequisites:**

Enrollment in the second year of the postgraduate study program.

At least 80% attendance at lectures.

**Vsebina:**

1. Pojem gospodarskega kazenskega prava;
2. Specifike in mesto gospodarskega kazenskega prava v sistemu kazenskega prava;
3. Teoretični pojmi in instituti gospodarskega kazenskega prava;

**Content (Syllabus outline):**

### Študijska literatura in viri / Readings:

L. Selinšek, Gospodarsko kazensko pravo, GV založba, Ljubljana 2006  
K. Ligeti, V. Franssen, Challenges in the Field of Economic and Financial Crime in Europe and the US, Hart, 2019  
L. Staffler, Business Criminal Law: A Primer for Management and Economics, 2021

### Cilji in kompetence:

Študentje naj pri tem predmetu pridobijo znanja s področja gospodarskega kazenskega prava, ki jih bodo usposobila predvsem za delo v pravosodnih organih (sodiščih, državnih tožilstvih) in v drugih državnih organih.

### Objectives and competences:

To obtain knowledges on the field of the economic criminal law, predominantly for the work in the judiciary service (courts, prosecutors offices) and in other state authorities.

### Predvideni študijski rezultati:

Znanje in razumevanje:

Osvojitev razumevanja relevantnih predpisov in institutov s področja gospodarskega kazenskega prava prava. Obvladati samostojno uporabo predpisov.

### Intended learning outcomes:

Knowledge and understanding:

To obtain the understanding of relevant provisions and institutes on the field of the economic criminal law.  
To master the independent use of provisions.

### Metode poučevanja in učenja:

Predavanja »*ex cathedra*,«  
Študij predvidene literature,  
Samostojen študij predpisov in literature  
E-učenje

### Learning and teaching methods:

Oral lectures »*ex cathedra*,«  
Studi of literature,  
Independent study of legal acts and literature  
E-learning

### Načini ocenjevanja:

Način:

pisni izpit

Delež (v %) /

Weight (in %)

100 %

### Assessment:

Type:

written examination

### Reference nosilca / Lecturer's references:

- Legalizacija ali kriminalizacija drog (»*Legalisation or criminalisation of drugs*), article, Revija 2000, št. 141-142/2001

- Ustavno kazensko procesno pravo (»Constitutional Criminal Procedural Law«), co-author, case-book, Pasadena, 2000 and 2003, 2nd ed.
- Kazensko procesno pravo RS (»Criminal procedural law of the Republic of Slovenia«), co-author, book, GV Založba, 2003
- Nekaj pogledov na predlagano novelo ZKP (»Some reflections on the proposed reform of the Criminal Procedural Act«), article, Pravna praksa, No. 14/2003
- Dialektični ugovor zoper temeljna izhodišča popolne preнове ZKP (»Dialectical opposition against the basis for a full reform of the Criminal Procedural Act«), article, Pravniki, No. 4-6/2005
- Sodnik kot varuh demokratične družbe (»The Judge as a Guardian of democratic society«), article, Pravniki, No. 4-5/2006
- Vprašanje skladnosti 17. člena ZKP z Ustavo (»Compatibility of Article 17 of the Criminal Procedural Act with the Slovenian Constitution«), article, Pravna praksa, No. 49-50/2007
- Ustavno sodišče RS ter evropski nalog za prijetje in predajo ali "kdo se boji Virginije Woolf" (»Slovenian Constitutional Court and the European Arrest Warrant or who is afraid of Virginia Woolf«), article, Pravna praksa, No. 1/2008
- Vprašanje ekskluzije: primerjava Evropskega sodišča za človekove pravice ter slovenskega in hrvaškega sistema (»Exclusionary rule – comparison between ECtHR, Slovenian and Croatian system«), article, Revus, No. 11/2009
- Ustavna analiza slovenskega pouka Miranda in izločitev dokazov (»Constitutional analysis of the Slovenian »Miranda« warnings system and admissibility of evidence«), article, Pravniki, No. 3-4/2010
- Načelo vzajemnega priznavanja v okviru EU kot slaba utilitaristična rešitev (»Principle of mutual recognition in EU law as an utilitarian solution«), article, Dignitas, No. 47-48/2010
- Problem dogmatične absolutizacije ekskluzije (»The problem of a dogmatic understanding of the exclusionary rule«), article, Pravna praksa, No. 9/2010
- Kompatibilnost slovenske zakonodaje s sodbo nemškega ustavnega sodišča glede hrambe podatkov (»Compatibility of Slovenian legislation with the German Constitutional Court decision on data retention«), Pravna praksa, No. 11/2010
- Evropski nalog za prijetje in predajo – temna stran meseca (»European Arrest Warrant – the dark side of the moon«), article, Pravna praksa, No. 42/2010
- Tolmačenje in prevajanje v kazenskih postopkih: z novo direktivo v novo obdobje razvoja kazenskega prava (»Interpretation and translation in criminal proceedings: the new EU directive«), article, Pravna praksa, No. 43/2010

- Odvzem premoženja nezakonitega izvora – obid kavl poštenega postopka? («Confiscation of illegally obtained property – violation of fair trial?«), article, Pravna praksa, No. 32/2011
- Mednarodno sodelovanje v kazenskih postopkih – podhranjeno področje («International cooperation in criminal matters – an underdeveloped area«), article, Pravna praksa, No. 36/2011
- Evolutivna teorija razvoja prava («Evolutionary theory of law«), GV Založba, book, 2012
- Mednarodna kazenskopravna pomoč in novela ZKP-K («MLA and the reform of Criminal procedural law«), Podjetje in delo, Dnevi pravnikov 2012
- Language training on the vocabulary of judicial cooperation in criminal matters, Handbook, EJTN, 2012
- The principle of mutual recognition as a utilitarian solution, and the way forward, EuCLR, No. 1/2012
- Prenova predkazenskega postopka zahteva temeljit premislek («An overhaul of the criminal procedural law demands a sober reflection«), article, Pravna praksa, št. 9/2013  
Kladivo čarovnic – o pomenu neodvisnosti sodstva v demokratični republiki («The Hammer of Witches – role of judicial independency in a democratic republic«), article, Pravna praksa, št. 22/2013
- Skupni standardi EU na področju kazenskega prava v primerjavi z nacionalnimi ustavnopravnimi standardi – Solange Reloaded («Common standards in the area of EU criminal law in comparison with national constitutional standards – Solange Reloaded«), Pravna praksa, No. 27/2014
- Legitimacy and Trust in Criminal Law, Policy and Justice, co-author, book, Ashgate, 2014
- Mutual recognition in EU criminal law – beyond national sovereignty and international criminal law, Zbornik pravnog fakulteta Sveučilišta u Rijeci, posebno izdanje za prof. Pavišića, 2014
- European Public prosecutor's Office (EPPO) – too much, too soon and without legitimacy?, EuCLR, No. 2/2015
- Cras S, Erbežnik A (2016) The directive on the presumption of innocence and the right to be present at trial. Genesis and description of the new EU-measure. Eucrim 7/2016:25–35
- The Needed Balances in EU Criminal Law, Hart Publishing, 2017, chapter in book
- Komentar Ustave RS, v pripravi, 2019, so-avtor

