UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	**Mediacija v teoriji in praksi**
Course title:	**Mediation in theory and practice**

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. Nana Weber / Assoc. Prof. Nana Weber, 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)**
Predmet obravnava temeljna izhodišča, principe delovanja, načela in izvedbe mediacijskih postopkov, ki predstavljajo enega izmed najbolj množičnih in učinkovitih alternativnih načinov reševanja konfliktov in sporov v današnjem družbenem ustroju. Hkrati predmet postreže s številnimi praktičnimi izkušnjami izvajanja mediacij na različnih področjih človekovega življenja, saj ima mediacija tudi že v Sloveniji dovolj izčrpno in kakovostno prakso. Ob tem predmet poseže tudi na pravno ureditev izvajanja mediacije, tako na sodiščih v obliki sodišču pridružene mediacije, kot v praksi izven sodišč. • Temeljno o mediaciji - opredelitev in principi mediacije kot enega od načinov mirnega – alternativnega reševanja sporov • Načela mediacijskega postopka	The course focuses on the fundamental premise, principles of the operation and conducting of mediation procedures, which are one of the most popular and effective ways of alternative conflict and dispute resolution in the modern society. At the same time, the course includes a lot of practical experience of conducting mediation in various fields of life as the mediation practice in Slovenia is quite comprehensive and of high quality. The course includes also the legal regulation of mediation, at courts as the court-associated mediation as well as out-of-court mediation.

• Mediacija v primerjavi s sorodnimi postopki • Akti EU o mediaciji – direktive, uredbe, priporočila • Nacionalni zakonski in podzakonski akti o mediaciji • Temeljni pristopi v mediaciji in vrste mediacije • Sodišču pridružena mediacija in izvensodna mediacija • Vloga mediatorja in vloga udeležencev • Mediacijski proces in faze mediacije – temeljno • Temeljno o konfliktu, ki je predpogoj vsake mediacije ter volja strank • Čustva strank in mediatorja v mediaciji • Posebnosti mediacije v nekaterih vrstah sporov: Mediacija v delovnih sporih Mediacija v družinskih sporih Mediacija v odškodninskih in zavarovalnih sporih Mediacija v gospodarskih sporih.	• Introduction to mediation – definition and principles of mediation as one of the ways of peaceful – alternative dispute resolution • Mediation procedure principles • Mediation in comparison with the related procedures • EU acts on mediation – directives, regulations, recommendations • National statutory and implementing acts on mediation • Fundamental approaches in mediation and main types of mediation • Mediation associated with the court and out-of-court mediation • The roles of the mediator and the participants • Mediation process and stages – introduction • Introduction to the conflict, which is the prerequisite of each mediation and parties' willingness • Parties' and mediator's emotions in mediation • Special characteristics of mediation in certain types of disputes: Mediation in work disputes Mediation in family disputes Mediation in compensation and insurance disputes Mediation in commercial disputes.

Temeljna literatura in viri / Readings:

- Betetto, N., in drugi. (2011). Mediacija v teoriji in praksi: Veliki priročnik o mediaciji. Ljubljana: Društvo mediatorjev Slovenije. (izbrana poglavja)
- Mediacijske tehnike in veščine 1-50. Priročnik za preprečevanje in reševanje konfliktov in osebno rast v komuniciranju. Ljubljana: ProCreathor
- Zakon o alternativnem reševanju sodnih sporov (ZARSS)
- Pravilnik o mediatorjih v programih sodišč

- Zalar, A., in drugi (2010). Zakon o alternativnem reševanju sodnih sporov (ZARSS) s komentarjem. Zakon o mediaciji v civilnih in gospodarskih zadevah (ZMCGZ) s komentarjem. Zakon o arbitraži (ZArbit) s pojasnili. Ljubljana: GV Založba
- Zakon o mediaciji v civilnih in gospodarskih zadevah (ZMCGZ)
- Act on Alternative Dispute Resolution in Judicial Matters, Official Gazette of RS, no. 97/09 and next
- Moore, W.: The Mediation Process: Practical Strategies for Resolving Conflict, Jossey-Bass; 3rd Edition Revised (April 30, 2003)
- Beer, J. E.: The Mediator's Handbook. New Society Publishers; 4th edition (October 1, 2012)

Cilji in kompetence:		**Objectives and competences:**
Študenti/ke bodo pridobili naslednje **splošne kompetence:** - razumevanje teoretičnega koncepta mediacije kot metode upravljanja konfliktov in razreševanja sporov med uporabniki - prepoznavanje uporabnosti različnih zvrsti mediacije na posameznih področjih - poznavanje in razumevanje predpisov EU s področja mediacije - poznavanje in razumevanje temeljnih nacionalnih zakonskih aktov s področja mediacije - temeljno poznavanje in osnovno uporabljanje mediacijskega procesa - prepoznavanje in posledično razvijanje novih veščin konstruktivnega in dogovornega reševanja konfliktov in sporov v lastnem življenju		**Students will gain the following general competences:** - to understand the theoretical concept of mediation as a method of managing conflicts and resolving disputes among users - to recognise the usefulness of various types of mediation in specific fields - to know and understand the EU regulations and acts in the field of mediation - to know and understand the fundamental national regulations and acts in the field of mediation - basic knowledge and basic application of mediation process - to recognise and consequently develop new skills of constructive and responsible resolving of conflicts and disputes in one's own life
Študentje bodo razvili **predmetno-specifične kompetence**: poznavanje in razumevanje pojmov, načel in pravil s področja mirnega reševanja sporov in mediacije - sposobnost samostojnega in avtonomnega študijskega dela; - razvoj sposobnosti kritično analizirati pravne vire in pravna besedila; - kritična refleksija obstoječih pravnih virov in ocena njihove potrebnosti in kakovosti; - uporaba pojmov, načel in pravnih pravil pri reševanju konkretnih primerov s pomočjo mediacije; - sposobnost kritične strokovne razprave in analize o temeljnih pojmih, načelih in principih mediacije; - sposobnost ustreznega navajanja domačih in mednarodnih pravnih virov, domače in mednarodne sodne prakse in elektronskih virov;		Students will develop the following **course-specific competences:** - to know and understand the definitions, principles and rules in the field of peaceful dispute resolution and mediation - the ability of independent and autonomous study work; - to develop the ability to critically analyse legal sources and legal texts; - critical reflexion of the existing legal sources and assessing their usefulness and quality; - to apply the definitions, principles and legal rules to the resolution of specific cases with the help of mediation; - the ability to participate in critical professional discussions and analysis of fundamental definitions and principles of mediation;

- razvoj etičnih sposobnosti pri uresničevanju načel in pravil mediacije; - sposobnost skupinskega dela in pripravljenosti za sodelovanja pri reševanju konkretnih primerov s področja mediacije; - razvoj komunikacijskih sposobnosti in veščin pri razumevanju in uresničevanju procesa mediacije; - razvoj ustvarjalnosti in sposobnosti premagovanja problemov pri uporabi načel in pravil mediacijskega postopka; - sposobnost uporabe mediacije pri upravljanju s človeškimi viri in reševanju sporov v delovnem okolju.		- the ability to appropriately quote national and international legal sources, national and international case law and electronic sources; - to develop ethical abilities in the application of mediation principles and rules; - to be able to work in a team and participate in resolving specific cases in the field of mediation; - to develop communication abilities and skills in understanding and conducting mediation process; - to develop creativity and ability to overcome problems in the application of the principles and rules of mediation procedure; - the ability to apply mediation to managing human resources and dispute resolution in work environment.

Predvideni študijski rezultati:
Znanje in razumevanje:

Intended learning outcomes:
Knowledge and understanding:

Študent bo: - pridobil osnovno znanje o konceptu, teoretičnih izhodiščih in temeljnih načelih mediacije - spoznal, na katerih področjih se mediacija lahko uporablja, in je sposoben prepoznati konkretne primere, kjer se lahko uporablja postopek mediacije - spoznal, razume in zna deloma uporabljati proces mediacije - znal uporabiti pridobljena znanja in spretnosti pri neposrednem delu z uporabniki - osvojil vodenje mediacij v enostavnih zadevah, t.j. v situacijah, kjer prepozna enostavnejše konflikte in lažje spore - obvladal veščino ohranjanja profesionalne in osebne avtonomije v medsebojnih odnosih - poznal in razume temeljne akte o mediaciji na področju EU - poznal, razumel in znal uporabljati nacionalne zakonske akte s področja mediacije - sposoben kritično oceniti in se opredeliti do mediacijske prakse - sposoben kritičnega presojati, analizirati in razlagati postopke, povezane z vidiki alternativnega reševanja sporov v sodobnem obdobju; - poznal in uporabljal osnovne metodološke pristope pri raziskovanju vprašanj alternativnega reševanja sporov, pri čemer zlasti mediacije.	**Student will:** - acquire basic knowledge of the concept, theoretical basis and fundamental principles of mediation - get to know in which fields mediation can be used and is able to recognise specific cases where mediation procedure can be applied - get to know, understands and is able to apply mediation process - be able to apply the acquired knowledge and skills in the direct work with the users - be able to conduct mediations in simple cases, i.e. cases where more simple conflicts or disputes are recognised - be able to apply the skill of keeping professional and personal autonomy in interpersonal relationships - know and understand the fundamental EU acts on mediation - know, understand and be able to apply national regulations and acts in the field of mediation - be able to critically assess and take a position regarding mediation practice - be able to critically assess, analyse and explain the procedures, related with the aspects of alternative dispute resolution in modern times; - know and apply the basic methodological approaches in examining the issues of alternative dispute resolution, particularly mediation.

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	**100**	Final examination (oral)
Končni pisni izpit		Final examination (written)
Drugo (vpišite)		Other:

Reference nosilca / Lecture's references:

Nana Weber je izredna profesorica za civilno in gospodarsko pravo na Evropski pravni fakulteti, izredna profesorica na Fakulteti za informacijske študije v Novem Mestu in B2 Visoki šoli za poslovne vede. Leta 2003 je diplomirala na Pravni fakulteti v Ljubljani. Tam je s podiplomskim študijem nadaljevala in leta 2010 magistrirala na področju civilnega in gospodarskega in leta 2013 doktorirala na področju civilnega prava. Leta 2010 je diplomirala še na Akademiji za glasbo (profesorica glasbe).

Poklicno pot v pravu je začela v sodstvu in na različnih stopnjah sodišč, nato je delala na državnem pravobranilstvu, v odvetniški pisarni in v kabinetu ministra za javno upravo. Leta 2016 je začela samostojno pot in do nedavnega delovala kot odvetnica. Sedaj vodi družbo Weber N., pravna svetovanja, analize in mediacije, d.o.o.

Izkušnje mediatorke v Mediacijskem centru Ljubljana, pri Odvetniški zbornici Slovenije in Ministrstvu za delo družino, socialne zadeve in enake možnosti ter izvajalke izvensodnega reševanja potrošniških

sporov pri Ministrstvu za gospodarski razvoj in tehnologijo so botrovale odločitvi, da pomaga reševati spore na neformalen način v okviru lastnega podjetja.

Deluje kot mediatorka na Okrožnem sodišču v Ljubljani in Okrajnem sodišče v Kranju.

Je tudi članica državne izpitne komisije za pravniški državni izpit (področje civilnega materialnega in procesnega prava) in zborovodja Mešanega pevskega zbora Nove Univerze.

Na redni bazi piše strokovne in znanstvene članke iz različnih pravnih področij. Med drugim je ena od avtoric Družinskega zakonika (Uradni list, 2019), avtorica Praktičnega komentarja Obligacijskega zakonika (OZ) – splošni del (GV Založba, Lexpera, 2025), avtorica uvodnih pojasnil Družinskega zakonika (GV Založba, Lexpera, 2018), redaktorica in avtorica Družinskega zakonika (GV Založba, Lexpera, 2024) in avtorica zbirke Vprašanja in odgovori iz delovnega prava (GV Založba, Lexpera), v okviru katere so doslej izšle knjige Prenehanje pogodbe o zaposlitvi (2020), Ko delavca ni na delu (Dopust, regres in druge odsotnosti z dela (2021)) in Prejemki iz delovnega razmerja (2023). Je tudi avtorica uvodnih pojasnil k Zakonu o sodnih taksah (ZST-1); Odvetniška tarifa; Notarska tarifa: (neuradna prečiščena besedila) - Uradni list Republike Slovenije 2022, in avtorica Zakona o sodnih taksah (ZST-1) z uvodnimi pojasnili - Lexpera, GV založba, 2023.

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Nana Weber is an Associate Professor of Civil and Commercial Law at the European Faculty of Law, New University, an Associate Professor at the Faculty of Information Studies in Novo mesto, and at the B2 Higher School of Business Studies. She graduated from the Faculty of Law, University of Ljubljana, in 2003. She continued her postgraduate studies at the same faculty, earning a Master's degree in Civil and Commercial Law in 2010 and a Doctorate in Civil Law in 2013. In 2010, she also graduated from the Academy of Music, University of Ljubljana, qualifying as a Professor of Music.

Her professional legal career began in the judiciary, where she served at various court levels, followed by positions at the State Attorney's Office, in a law firm, and in the Office of the Minister of Public Administration. In 2016, she started her independent professional path and worked as an attorney-at-law until recently. She now manages Weber N., Legal Consulting, Analysis and Mediation, Ltd.

Her mediation experience at the Ljubljana Mediation Centre, the Bar Association of Slovenia, and the Ministry of Labour, Family, Social Affairs and Equal Opportunities, as well as her role as a provider of out-of-court consumer dispute resolution for the Ministry of Economic Development and Technology, led her to the decision to resolve disputes through informal methods within her own company.

She currently serves as a mediator at the District Court in Ljubljana and the Local Court in Kranj.

She is also a member of the State Examination Commission for the State Bar Examination (civil substantive and procedural law) and the conductor of the Mixed Choir of the New University.

She regularly publishes professional and scientific articles in various fields of law. Among other works, she is a co-author of the Family Code (Official Gazette of the Republic of Slovenia, 2019), author of the Introductory Explanations to the Family Code (GV Založba, Lexpera, 2018), editor and author of the Family Code (GV Založba, Lexpera, 2024), and author of the series Labour Law Questions and Answers (GV Založba, Lexpera), which includes the volumes Termination of the Employment Contract (2020), When the Employee is Absent from Work (Annual Leave, Holiday Allowance, and Other Absences) (2021), and Remuneration in Employment Relationships (2023). She is also the author of the Introductory Explanatory Notes to the Court Fees Act (ZST-1); Attorney Tariff; Notary Tariff: (Unofficial Consolidated Texts) – Official Gazette of the Republic of Slovenia, 2022, and the Court Fees Act (ZST-1) with Introductory Explanatory Notes – GV Založba, Lexpera, 2023.