

## UČNI NAČRT PREDMETA / COURSE SYLLABUS

<b>Predmet:</b>	<b>Mediacija v teoriji in praksi</b>
<b>Course title:</b>	<b>Mediation in theory and practice</b>

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Pravo - 3. stopnja	Alternativno reševanje sporov	2.	1.
Law - 3rd degree	Alternative dispute resolution	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
20	0	0	0	0	230	10

**Nosilec predmeta / Lecturer:** izr. prof. dr. Nana Weber / Assoc. Prof. Nana Weber, PhD

**Jeziki / Languages:** Predavanja / Slovenški jezik/ Slovenian  
Lectures:  
Vaje / Tutorial:

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

Vpis v 2. letnik študijskega programa.  
Vsaj 80% prisotnost na predavanjih.

**Prerequisites:**

Enrollment into 2nd year of study.  
At least 80% attendance at lectures

**Vsebina:**

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

**Content (Syllabus outline):**

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.

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
- 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.

The course includes also the legal regulation of mediation, at courts as the court-associated mediation as well as out-of-court mediation.

- 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:

Pri predmetu se zasledujejo naslednji specifični cilji:

- 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

Pri predmetu se zasledujejo naslednji splošnejši cilji:

- poznavanje in razumevanje pojmov, načel in

## Objectives and competences:

The course pursues the following specific objectives:

- 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

The course pursues the following more general objectives:

- to know and understand the definitions, principles and rules in the field of peaceful

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 pojmi, načelih in principih mediacije;
- sposobnost ustreznega navajanja domačih in mednarodnih pravnih virov, domače in mednarodne sodne prakse in elektronskih virov;
- 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.

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;
- 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:

- študent-ka pridobi osnovno znanje o konceptu, teoretičnih izhodiščih in temeljnih načelih mediacije
- spozna, na katerih področjih se mediacija lahko uporablja, in je sposoben prepoznati konkretne primere, kjer se lahko uporablja postopek mediacije
- spozna, razume in zna deloma uporabljati

**Intended learning outcomes:**

Knowledge and understanding

- the student acquires basic knowledge of the concept, theoretical basis and fundamental principles of mediation
- gets to know in which fields mediation can be used and is able to recognise specific cases where mediation procedure can be applied
- gets to know, understands and is able to apply mediation process

#### proces mediacije

- študent-ka zna uporabiti pridobljena znanja in spretnosti pri neposrednem delu z uporabniki
- študent-ka osvoji vodenje mediacij v enostavnih zadevah, t.j. v situacijah, kjer prepozna enostavnejše konflikte in lažje spore
- obvlada veščino ohranjanja profesionalne in osebne avtonomije v medsebojnih odnosih
- pozna in razume temeljne akte o mediaciji na področju EU
- pozna, razume in zna uporabljati nacionalne zakonske akte s področja mediacije
- sposoben je kritično oceniti in se opredeliti do mediacijske prakse
- sposoben je kritičnega presojati, analizirati in razlagati postopke, povezane z vidiki alternativnega reševanja sporov v sodobnem obdobju;
- pozna in uporablja osnovne metodološke pristope pri raziskovanju vprašanj alternativnega reševanja sporov, pri čemer zlasti mediacije.

- the student is able to apply the acquired knowledge and skills in the direct work with the users
- the student is able to conduct mediations in simple cases, i.e. cases where more simple conflicts or disputes are recognised
- is able to apply the skill of keeping professional and personal autonomy in interpersonal relationships
- knows and understands the fundamental EU acts on mediation
- knows, understands and is able to apply national regulations and acts in the field of mediation
- is able to critically assess and take a position regarding mediation practice
- is able to critically assess, analyse and explain the procedures, related with the aspects of alternative dispute resolution in modern times;
- knows and applies the basic methodological approaches in examining the issues of alternative dispute resolution, particularly mediation.

#### 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

**Načini ocenjevanja:**Delež (v %) /  
Weight (in %)**Assessment:**

Način (pisni izpit, ustno izpraševanje, naloge, projekt):		Type (examination, oral, coursework, project):
Pisni ali ustni izpit	100 %	Written or oral exam

**Reference nosilca / Lecturer'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 mediatorica 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.