UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	**Sodna medicina**
Course title:	**Forensic Medicine**

Študijski program in stopnja **Study programme and level**	**Študijska smer** **Study field**	**Letnik** **Academic year**	**Semester** **Semester**
Pravo 1. stopnje		3	2
Law 1st Degree		3	2

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**
30	0	0	0	120	6

Nosilec predmeta / Lecturer:		doc. dr. Gregor Maučec / Assistant Professor Gregor Maučec, PhD
Jeziki/Languages:	Predavanja / Lectures:	slovenski jezik/Slovenian
	Seminar / Seminar:	slovenski jezik/Slovenian

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

Vpis v 3. letnik.
Zahteva se vsaj 80 % prisotnost na predavanjih in vajah.

Prerequisites:

Enrollment in the 3rd year.
At least 80% attendance at lectures and tutorials is required.

Vsebina:

1. Pacientova volja v sodobnem materialmen kazenskem pravu
1.1. Privolitev pacienta in splošni pojem kaznivega dejanja
1.2. Pojasnilna dolžnost zdravnika kot kazenskopravna dolžnost
1.3. Privolitvena in zavrnitvena sposobnost pacienta
2. Posamezne zdravniške napake kot kazniva dejanja
3. Vloga medicinskega izvedenca v kazenskem postopku
4. Pojem sodne medicine in njeno mesto v zdravstvu ter v pravosodju
5. Izkop trupla in zakonska določila
6. Smrt
7. Identifikacija
8. Poškodbe
9. Detomor in splav - zakonska določila
10. Zdravnik in ugovor vesti
11. Najpogostejše zastrupitve in njihov pomen ter odkrivanje
12. Alkohol in mamila v prometu in splošno
13. Opustitev zdravstvene pomoči in malomarno zdravljenje ter zdravniška napaka in izvedenstvo na tem področju
14. Vloga in pomen molekularne genetike v forenziki

Content (Syllabus outline):

1. Patient's will in modern substantive criminal law
1.1. Patient's consent and the general notion of crime
1.2. Medical practitioner's duty to inform the patient as a criminal legal duty
1.3. Patient's capacity to consent and to refuse
2. Individual medical errors as crimes
3. The role of the medical expert in criminal proceedings
4. The concept of forensic medicine and its place in healthcare and justice
5. Exhumation of the body and legal provisions
6. Death
7. Identification
8. Damages
9. Infanticide and abortion - legal provisions
10. Doctor and conscientious objection
11. The most common poisonings and their significance and detection
12. Alcohol and drugs in traffic and in general
13. Omission of medical assistance and negligent treatment, as well as medical malpractice and expertise in this field
14. The role and importance of molecular genetics in forensics

Temeljna literatura in viri / Readings:

Shepherd R. Simpson's forensic medicine. 12th ed. London, Sidney, Auckland: Arnold, 2003.
Zečević D i suradnici. Sudska medicina i deontologija. 5. obnovljeno i dopunjeno izdanje. Zagreb: Medicinska naklada, 2018.
Saukko P, Knight B. Knight's forensic pathology. 3rd ed. London: Arnold, 2004.

Dodatna literature bo navedena ob predavanjih

Cilji in kompetence:

Študentje bodo razvili **splošne kompetence**:

Predmet v okviru splošnega dela obravnava predvsem problem volje pacienta, v okviru posebnega dela medicinskega kazenskega prava pa posebnosti t.i. medicinskih inkriminacij (ki v slovenski pravosodni, še bolj pa medicinski praksi povzročajo značilne razlagalne težave), posebej pa analizira potrebo po novih interpretacijah in iz njih izvirajočih novih inkriminacijah.

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

Posebna odlika predmeta je sonosilstvo specialistov pravnih znanosti in za sodno medicino. Z vidika sodne medicine, prilagojene za pravnike predmet nudi temeljna znanja ocenjevanja telesnih poškodb, zastrupitev, razlogov smrti in podobnih okoliščin, ključnih za presojo obstoja kaznivega dejanja zoper telo človeka, protipravnosti tega dejanja in krivde storilca. Nudi tudi temeljni vpogled v ocenjevanje medicinske napake in v medicinsko deontologijo. Na ta način predmet na intenziven način enakovredno združuje izkušnje pravne in sodno-medicinske oziroma medicinsko deontološke znanosti ter teoretična spoznanja dveh ved s spoznanji njune prakse.

Objectives and competences:

Students will develop the following **general competences**:

Within the framework of the general part, the course primarily deals with the problem of the patient's will, and within the framework of the special part of medical criminal law, the specifics of the so-called medical incriminations (which in Slovenian judicial, and even more so, medical practice cause characteristic interpretation problems), and in particular analyzes the need for new interpretations and new incriminations arising from them.

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

A special feature of the course is the participation of specialists in legal sciences and forensic medicine. From the point of view of forensic medicine, adapted for lawyers, the subject provides basic knowledge of assessing physical injuries, poisoning, causes of death and similar circumstances, which are crucial for assessing the existence of a crime against a person's body, the illegality of this act and the guilt of the perpetrator. It also provides fundamental insight into the assessment of medical malpractice and into medical deontology. In this way, the course intensively combines the experiences of legal and forensic medicine, or medical deontology, as well as the theoretical knowledge of the two sciences with the knowledge of their practice.

Predvideni študijski rezultati:
Znanje in razumevanje:

Študent bo:

Po opravljenih obveznostih bo študent sposoben izkazati razumevanje kazenskopravnih dobrin s področja, prepoznavati in pravno vrednotiti biti inkriminacij, protipravnost zdravstvene napake in krivdo zdravstvenega delavca.
Pridobljeno znanje je mogoče neposredno uporabiti pri reševanju kazenskih zadev s področja biomedicine in pri zakonodajnem oblikovanju novih institutov splošnega in posebnega dela kazenskega prava, posebej prilagojenim biomedicinskim zadevam. Študent bo sposoben intenzivnega in poglobljenega

Intended learning outcomes:
Knowledge and understanding:

Students will:

After fulfilling the obligations, the student will be able to demonstrate an understanding of the criminal law in the field, recognize and legally evaluate the nature of incriminations, the illegality of medical malpractice and the culpability of the health care worker.
The acquired knowledge can be directly used in solving criminal cases in the field of biomedicine and in the legislative formation of new institutes of the general and special part of criminal law in particular, authorized biomedical cases. The student will be

sodelovanja z medicinskim izvedencem v kazenskihpostopkih. Študenti povezujejo pridobljeno znanje predvsem z drugimi predmeti s področja kaznovalnega prava, predvsem z materialnim kazenskim pravom, pa tudi z družinskim pravom.	capable of intensive and in-depth cooperation with a medical expert in criminal proceedings. Students connect the acquired knowledge mainly with other subjects in the field of criminal law, especially with material criminal law, but also with family law.

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:

Gregor Maučec je docent za področje mednarodnega in kazenskega prava. Doktoriral je iz mednarodnega javnega prava na Pravni fakulteti Univerze v Mariboru. Svojo znanstveno-strokovno usposobljenost je nadgrajeval kot podoktorski raziskovalec na Pravni fakulteti Univerze v Amsterdamu, Pravni fakulteti Univerze v København (kot Marie Skłodowska-Curie Fellow), Evropskem univerzitetnem inštitutu v Firencah (kot Max Weber Fellow) in Pravni fakulteti Univerze v Kyotu (kot JSPS Postdoctoral Fellow). Njegovo raziskovanje in objave se ukvarjajo z mednarodno sodno funkcijo, zlasti s tem, kako jo razumejo in izvajajo sodniki raznih mednarodnih sodnih teles; z vedenjem in odločanjem mednarodnih sodnikov; z mednarodno sodno zaščito manjšin in avtohtonega prebivalstva; z mednarodnimi in internacionaliziranimi kazenskimi sodišči in tribunali; z diskriminacijo in poštenim sojenjem v kazenskem pravosodju, zlasti pri uporabi smrtne kazni; z vprašanji tranzicijske pravičnosti v pokonfliktnih družbah; ter s politikami in pravom EU na področju upravljanja meja, migracij in azila. Redno se udeležuje znanstvenih simpozijev in odmevnih konferenc, kakor tudi raznih pedagoških usposabljanj na področju visokošolskega izobraževanja. Izvedel je več gostujočih predavanj na tujih univerzah (Univerza v Københavnu, Univerza v Firencah in Univeritetni kolidž v Londonu) in je predavatelj na Pravni fakulteti Univerze v Liverpoolu. Od leta 2010 je tudi član uredniškega odbora Zbirke mednarodno pravo.

Bibliografija: http://splet02.izum.si/cobiss/bibliography?code=30834.

Gregor Maučec is an assistant professor of international and criminal law. He received his PhD in Public International Law from the University of Maribor's Faculty of Law. Previously, he was a Postdoctoral Fellow at the University of Amsterdam's Faculty of Law, Marie Skłodowska-Curie Fellow at iCourts, University of Copenhagen, Max Weber Postdoctoral Fellow in Law at the European University Institute and JSPS Postdoctoral Fellow at the Kyoto University's School of Law. His research and writing has focused on the international judicial function, and particularly how it is understood and carried out by the judges of different international adjudicative bodies; international judicial behavior and decision-making; protection of minorities and indigenous populations through international courts; international(ised) criminal courts and tribunals; discrimination, fair trial, criminal sentencing and the death penalty; various transitional justice issues in the post-conflict societies; and EU policies and law on the management of borders, migration and asylum. He regularly participates in scientific symposia and outstanding conferences, and attends various pedagogical trainings in the field of higher education. He has also guest lectured at the University of Copenhagen, University of Florence and University College London and is a Lecturer in Law at the University of Liverpool's School of Law and Social Justice. Since 2010, he has been a member of the editorial board of Book collection on international law.

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