

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet: Sodno in alternativno reševanje sporov
Course title: Judicial Dispute Resolution and Its Alternatives

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

Vrsta predmeta / Course type

Obvezni / Compulsory

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
30	0	0	0	0	220	10

Nosilec predmeta / Lecturer:

izr. prof. dr. Nana Weber / Assoc. Prof. Dr. Nana Weber

Jeziki /**Languages:****Predavanja /****Lectures:****Vaje / Tutorial:**

Slovenski jezik/Slovenian

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

Vpis v drugi letnik doktorskega študija.

Vsaj 80% prisotnost na predavanjih.

Prerequisites:

Enrollment in the second year of the doctoral study.

At least 80% attendance at lectures.

Vsebina:

Standardi človekovih pravic zahtevajo, da ima vsak učinkovit dostop do sodnega postopka, v katerem neodvisno in nepristransko sodišče pošteno in v razumnem roku ugotovi vsebino spornih pravic in dolžnosti (glej npr. 6. člen Evropske konvencije o človekovih pravicah). Pravica do sodnega postopka pa ni absolutna pravica in jo je na splošno treba uporabljati kot "ultimum remedium", oziroma zadnje sredstvo. Sodišča niso idealno sredstvo za reševanje vseh težav uporabnikov – niti vseh težav na področju civilnega, gospodarskega, delovnega in

Content (Syllabus outline):

The human rights standards require that everyone has the right of effective access to court proceedings in which an independent and impartial tribunal will establish, fairly and within a reasonable time, the content of the disputed rights and obligations (see e.g. Art. 6. ECHR). The right to a court proceeding is, however, not an absolute right, and should in general be utilized only as "ultimum remedium", as the last means of recourse. The courts are not the ideal means of resolving all the problems of their users – not even all the problems in the area of civil,

družinskega prava. Če se na sodišče obrača prepogosto, se sodni sistem lahko zamaši. Zaostanki in neučinkoviti postopki upočasnijo pravosodje. V izjemnih primerih lahko povzročijo poslabšanje sposobnosti ustreznega delovanja, zlasti če pritok novih zadev spremljajo podedovane ali novoustvarjene sistemske pomanjkljivosti.

Namen tega doktorskega predmeta je poglobljen študij razvoja shem reševanja sporov v sodobnih družbah, s posebnim poudarkom na potrošniških in gospodarskih sporih ter njihovem praktičnem reševanju.

Druge možne teme bodo izbrane po posvetovanju s študenti.

commercial, labor and family law. If turning to courts becomes too frequent, the judicial system as such may become clogged. The backlogs and inefficient procedures slow down the justice system. In extreme cases, its capability to function properly may be compromised, in particular if the influx of new cases is accompanied with the inherited or newly created systemic deficiencies.

The aim of this PhD course is to study in depth the development of dispute resolution schemes in modern societies, with a particular focus on consumer and commercial disputes and their practical resolution.

Other possible topics will be selected in consultation with the students.

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 učinkovito preprečevanje in reševanje konfliktov ter osebno rast v komuniciranju. Pro Creathor, 2018.

Zakon o alternativnem reševanju sodnih sporov (ZARSS)

Zakon o varstvu potrošnikov (ZVPot)

Zakon o izvensodnem reševanju potrošniških sporov (ZIsRPS)

Out-of-Court Settlement of Consumer Disputes Act

Consumer Protection Act

Act on Alternative Dispute Resolution in Judicial Matters

Spletni viri, predstavljeni na predavanjih

Cilji in kompetence:

Glavni cilj predmeta je študente spodbuditi k preučevanju reševanja sporov kot dinamičnega področja, ki zahteva kompleksno in večdisciplinarno analizo. Celovit pristop k področju reševanja sporov zahteva raznolike kompetence, ki imajo lahko sinergijske učinke. Te kompetence bodo razvite glede na izkušnje in ozadje posameznih študentov, ki se bodo vpisali v program.

Objectives and competences:

The main objective of the course is to stimulate the students to explore the dispute resolution as a dynamic field that requires a complex and multi-disciplinary analysis. An integral approach to modern landscape of dispute resolution requires diverse competences which can achieve a synergic effects. Such competences will be developed according to the individual

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background and experience of the students who enroll the course.
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Predvideni študijski rezultati:

Po obiskovanju predmeta bodo študenti usposobljeni, da:

- analitično pristopijo h kompleksnemu pojavu reševanja sporov v sodobnih družbah,
- analizirajo medsebojno povezavo normativnega in institucionalnega okvira za reševanje sporov;
- pridobijo praktična znanja pri reševanju potrošniških in gospodarskih sporov.

Intended learning outcomes:

After attending the course, the students will be able to:

- approach analytically the complex phenomenon of dispute resolution in modern societies,
- analyse interrelation of normative and institutional framework for dispute resolution;
- acquire practical skills in resolving consumer and commercial disputes.

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

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

Delež (v %) /

Načini ocenjevanja:

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, docentka za delovno pravo na MLC Fakulteti za management in pravo Ljubljana in docentka za poslovne vede na 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.

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 uvodnih pojasnil Družinskega zakonika (GV Založba, Lexpera, 2018), 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 associate professor for civil and corporate law at the European Faculty of Law New University, assistant professor for labour law and assistant professor for business sciences at Ljubljana School of Business. She graduated from the University of Ljubljana Faculty of Law, in 2003. She continued her postgraduate course in the same University and received a Master's degree of Science in 2010 (Civil and Commercial Law), and Doctor's degree of Science in 2013 (Civil Law). In 2010 she graduated in Music Pedagogy at the Musical Arts in 2010 (Professor of Music).

Her professional legal career began at different levels of the court, then she worked at the State's Attorney Office, at lawyer and at Ministry of Public Administration. She went freelance

in 2016 and until recently worked as a lawyer. She now runs Weber N., Legal Consulting, Analysis and Mediation, d.o.o.

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

She is also a member of the State Examination Board for the State Lawyers' Examination (civil substantive and procedural law) and choirmaster of the mixed choir at New University.

On regular basis she writes professional and scientific articles. Among other things, she is one of the authors of the Family code (Uradni list 2019), the author of the introductory explanations of the Family Code (GV Založba, Lexpera, 2018) and author of professional collection Labour Law Questions and Answers (GV Založba, Lexpera), in which so books Termination of employment contract (2020), When the worker is not at work (Annual leave, payment for annual leave, and other absences from work) (2021)) and Employment Benefits (2023) were published. She is also the author of the Introductory Explanatory Notes to the Law on Court Fees (ZST-1); Lawyer's Tariff; Notary's Tariff: (Unofficial Consolidated Texts) - Official Gazette of the Republic of Slovenia 2022, and the author of the Law on Court Fees (ZST-1) with Introductory Explanatory Notes - Lexpera, GV založba, 2023.

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