



## **RESEARCH PROGRAMME OF THE LAW RESEARCH INSTITUTE**

The Law Research Institute of the European Faculty of Law of the New University provides a plan of scientific research work for the period of **the academic years 2019/2020 and 2020/2021** further below.

### **1. Presentation of the Institute:**

Head of the Institute: Prof. Marko Novak

Researchers (members of the research group according to ARRS (Slovenian Research Agency)):  
Prof. Matej Avbelj, Dr. Polona Batagelj, Assoc. Prof. Janez Čebulj, Assoc. Prof. Jernej Letnar Černič, Prof. Marko Novak, Assoc. Prof. Andraž Teršek

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### **2. Name of the programme:**

**SCIENTIFIC RESEARCH IN LAW**

### **3. Research field according to the ARRS classification:**

5.05.00 SOCIAL SCIENCES, LAW

6.10.00 HUMANITIES, PHILOSOPHY

5.04.00 SOCIAL SCIENCES, ADMINISTRATIVE AND ORGANIZATIONAL SCIENCES

### **4. Description of the content of the research programme**

#### **a. Theoretical starting points, research contents and goals**

The research programme in the field of law is related to the field of law at its core, but it is also interdisciplinary, as it not only studies law in a normative-dogmatic or legal-positivist way, but also necessarily extends to the law-related scientific fields. In the field of social sciences, it also touches on administrative and organizational sciences, sociological and economic sciences, and in the field of humanities, it is related especially to history and philosophy, and partly also psychology.

Further below, the programme is presented in theoretical starting points, research contents and goals. A feature of the programme is that it promotes interdisciplinary approaches.



### ***Starting points***

Scientific research is traditionally important also in the field of law. In addition to individual research, it is especially important to obtain research projects, where research work in a group (team) adds value to individual research, as it allows a more complex approach in terms of organization, methodology and, ultimately, results or scientific findings. In Slovenia, the opportunity for the engagement of a research group within the Law Research Institute are mainly calls for fundamental and applied projects of the Slovenian Research Agency (ARRS) and various ministries, which occasionally tender fundamental or applied research projects (e.g. the Ministry of Economy- the Norwegian Financial Mechanism, the Ministry of Education, the Ministry of Justice), as well as other state institutions (e.g. the Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia with the projects PKP (Creative Path to Knowledge) or ŠIPK (Students Innovative Projects for the Benefit of Society)).

According to the SQAA criteria, it is especially important to apply for and obtain projects within the framework of doctoral studies. This also applies to the doctoral study of legal sciences at the European Faculty of Law of the New University. The involvement of doctoral students in acquired research projects is important here.

Especially within the EU, a variety of calls are offered, which are intended to explore various legal areas (e.g. Horizon, Cost, E-Justice, calls within the framework of the Erasmus + Programme). EU projects offer excellent opportunities to connect with other European research institutions in terms of forming consortia for individual research or research groups in a specific field. Such research platforms are also an opportunity to exchange scientific findings and good research practices, as well as for exchanges of doctoral students and researchers.

### ***Research contents in the field of legal research***

The Programme Team will monitor the development of legal areas at the international level, especially in areas that are important for the Republic of Slovenia and in which knowledge needs to be enhanced and appropriately scientifically researched.

The areas that the Programme Team has already dealt with and will continue to deal with in the mentioned period are listed below.

### **Culture of remembering the cornerstones of the nation and the state: Slovenia and Europe**

Prof. Darko Darovec, Prof. Matej Avbelj, Prof. Marko Novak

The basic project of the Slovenian Research Agency J6-9354 (A) continues, entitled "Culture of remembering the cornerstones of the nation and the state: Slovenia and Europe", where the European Faculty of Law participates as a partner.



### **30 years of the Slovenian state**

Prof. Marko novak, Assoc. Prof. Jernej Letnar Černič

Next year, in 2021, we will celebrate the 30th anniversary of independence or the establishment of the state of the Republic of Slovenia. In this context, a variety of research topics are offered that would be interesting to deal with scientifically: above all, it is necessary to critically consider the achievements of the Republic of Slovenia in these 30 years, as well as missed opportunities. Potential research in this field is not only closely related to the field of law, but is also interdisciplinary related to it. Thus, the aspects of other sciences in connection with the legal are interesting: historical, sociological, economic, philosophical, administrative-organizational, etc. As part of the topic, in 2020 the research group of the Law Research Institute together with its partners has already registered a project entitled "30 years of the Republic of Slovenia and (dis) trust of citizens in state institutions" with ARRS. In addition, the New University, together with its partners, is preparing a project entitled "Slovenian State". On this anniversary, there are many other opportunities to apply for scientific projects, as the country is a wide range of potential research topics in its complexity.

### **Law and artificial intelligence**

Law and artificial intelligence is the next area where many potential topics for a wide variety of research open up. A European project within the E-JUSTICE mechanism entitled "E-legal advisor for misdemeanours" was applied for by the European Faculty of Law together with the Faculty of Computer and Information Science, University of Ljubljana; Department of Theory of Law and Criminal Procedure Law, Faculty of Law, University of Zagreb; Management and Law College and the Supreme Court of the Republic of Slovenia.

### **Human rights in sport**

Assoc. Prof. Jernej Letnar Černič, Assist. Dr. Polona Batagelj

The project addresses issues and dilemmas related to respect and protection of human rights and fundamental freedoms in sport. Do professional athletes enjoy the same human rights and fundamental freedoms as ordinary people? Do domestic and international sports organizations have to respect and protect human rights and fundamental freedoms? What are the obligations of the organizers of major sporting events such as the Olympic Games, the World Cup or a cycling race »Tour de France«? What is the legal nature of their obligations? Does the Court of Arbitration for Sport have to respect and exercise the right to a fair trial? What is the relationship between the domestic legal orders and the autonomous legal orders of domestic and international sports organizations?



## **Respect for human rights in the private sector**

Assoc. Prof. Jernej Letnar Čeranič, Assist. Prof. Justinek

States must traditionally respect and protect human rights and fundamental freedoms. They bear negative and positive obligations and are primarily responsible for their violations. In recent decades, it has become accepted that private sector stakeholders also have an obligation to respect, protect and exercise human rights and fundamental freedoms. What is the nature and extent of the responsibility of both individuals and legal entities in the private sector in respecting and protecting human rights? Are their obligations the same as state ones? Where can victims of human rights violations in the private sector hold accountability and against whom?

## **Transitional justice in Slovenia**

Assoc. Prof. Jernej Letnar Čeranič

In the last century, Slovenia was the only member of the European Union to survive three totalitarian regimes. While Nazism and Fascism were publicly condemned, Slovenian society is unable to condemn the communist totalitarian regime, which lasted the longest in Slovenia and had the worst consequences. The project focuses on finding answers to communist totalitarian crimes. The search for normative answers to totalitarian crimes can help to create a mosaic of social consciousness and moral and legal responsibility so that crimes against humanity will never happen again, both in Slovenia and anywhere in the world, which should help build a dignified Slovenian democratic and legal state. .

## **Goals**

The aim of the research work of the programme team in this field is primarily to take care of the basic and applied development of the listed areas of research in law. The results of the research work will be published either in the form of reports of individual projects as well as in original scientific and professional articles in various journals and monographs. In this way, the scientific results will become more accessible to the professional and general public, and on the basis of relevant dialogue and feedback from interested scientific circles, the programme team will deepen and supplement its work.

### **b. Basic research methods envisaged**

All basic research methods that are typical for research in law, such as normative, dogmatic, axiological, sociological, historical and comparative-legal, will be used in the research. Scientific methods from related fields will also be used, insofar as there is an interdisciplinary approach (e.g. philosophical, psychological methods, economic analysis of law).



In individual phases of the implementation of the research programme, intermediate research results will be given in the form of scientific and professional articles, as well as scientific monographs (proceedings of scientific discussions). The results of the research will be disseminated in phases by the programme team at the planned scientific meetings and by the planned publications with appropriate »impact« factor.

The programme team will use modern scientific literature and relevant empirical findings.

**c. Significance of the research programme for the development of science in a broader (global) sense**

Globally, the "Research in Law" programme is designed to highlight individual thematic areas that are at the centre of interest of the legal profession and scientists participating in the research group. They are in touch with global trends in the development of legal science, so their research will also be globally oriented.

The results of the research will also be used for pedagogical purposes in postgraduate and undergraduate study programmes.

**d. Importance for the development of Slovenia**

The research group of the Law Research Institute will, in addition to distinctly "international topics", topics that scientifically connect Slovenia with international scientific trends, also research topics that are especially important for the development of legal science in the Republic of Slovenia (e.g. 30 years of Slovenian state). In this way, Slovenian legal science will be synergistically connected with global research flows.

**e. Involvement in international research projects**

The "Research in Law" programme will run in parallel and in succession with international research programmes and projects where potential members of the programme team are already participating. Thus, the programme will include a regular exchange of information and joint research work on various projects.

**f. Involvement of the research programme in undergraduate and postgraduate study programmes at universities and independent higher education institutions**

The research programme will basically be most closely linked to the doctoral programme LAW at the EUROPEAN FACULTY OF LAW. Participation in various projects or in their individual works will also be possible for



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master's and undergraduate students of the university study programme Law at the European Faculty of Law. Participating students will be granted a certain number of credit points on the basis of the ECTS credit system for participation in the project, as follows from the study programmes at both levels (especially the possibility of replacing elective courses with research work).

**g. Expected funding of the research programme**

The research group will obtain the funds needed to finance the research programme through public tenders published by various domestic public institutions (Slovenian Research Agency, ministries, other bodies), and also mainly through tenders published at the EU level.