

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	Obligacijsko pravo
Course title:	Law of Obligations

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Pravo in management nepremičnin – 2. stopnja		2	1
Law and Management of Real Estate – 2nd degree		2	1

Vrsta predmeta / Course type Obvezni/Obligatory

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
40	0	0	0	0	160	8

Nosilec predmeta / Lecturer: izr. prof. dr. Nana Weber / Assoc. Prof. Dr. Nana Weber

Jeziki / Languages:	Predavanja / Lectures:	Slovenski jezik/ Slovenian
		Angleški jezik/English
	Vaje / Tutorial:	

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

Pogoj za vključitev v delo je vpis v 2. letnik študija.

Vsaj 80% prisotnost na predavanjih.

Prerequisites:

The condition for inclusion is enrollment into 2nd year of study.

At least 80% attendance at lectures.

Vsebina:

Predmet je sestavljen iz splošnega in posebnega dela. V splošnem delu se slušateljem predstavi celovit pregled na to kaj sploh obligacijsko razmerje pomeni, načela obligacijskega prava in vrste obveznosti, s poudarkom na nepremičninskem področju. Slušatelji pridobijo znanje o nastanku obveznosti, kakšne vrste

Content (Syllabus outline):

The course consists of general and specific work. In general part the students are presented a comprehensive overview of what contractual obligation means, principles of the law of obligations and commitments species with emphasis on the field of real estate. Students will gain knowledge about the origin of the

obveznosti pogodb poznamo, pa tudi o odškodninskih obveznostih in odgovornostih. Dalje predmet obravnava učinke posameznih obveznosti ter utrditev, spremembe in prenehanje obveznosti. V posebnem delu pa se slušateljem predstavijo konkretne pogodbe, vezane na nepremičninsko področje.

- Obligacijsko razmerje, obligacijska pravica, obligacijska obveznost.
- Sestavine, subjekti, vsebina obligacijskega razmerja.
- Izpolnitveno ravnanje.
- Pojem in vrste pravnega posla.
- Pravna in poslovna sposobnost.
- Sklenitev pogodbe po zastopniku.
- Volja za sklenitev pogodbe in napake volje.
- Oblika kot pogoj za veljavno sklenitev pogodbe.
- Načini sklenitve pogodbe.
- Pogodba kot pravni temelj nastanka pravic in obveznosti.
- Pravne posledice kršitve pogodbe ter odškodninska odgovornost.
- Odgovornost za škodo zaradi stvarne in pravne napake izpolnitve.
- Pojem prodajne pogodbe, are, sestavine pogodbe.
- Izročitev posesti in prenos lastninske pravice.
- Potrošniška prodaja.
- Najem in zakup nepremičnin.
- Pogodba o posredovanju.
- Prenehanje posredniške pogodbe.
- Ureditev posredovanja po zakonu.

obligations, kinds of contract obligations, as well as the compensation obligations and responsibilities. Next, the subject deals with the effects of certain liabilities and consolidation, amendment and termination of liabilities. In a separate section the students will learn about concrete contracts regarding the field of real estate.

- Contractual obligation, obligation rights, obligation duty.
- Ingredients, operators, content of obligations.
- Fulfillment of conduct.
- Concept and nature of the transaction.
- Legal and business capacity.
- Conclusion of the contract by an agent.
- Will for conclusion of the contract and failure of will.
- Design as a condition for a valid contract.
- Ways of contract conclusion.
- Treaty as the legal basis for the creation of rights and obligations.
- The legal consequences of a breach of contract and tort.
- Liability for damages due to factual and legal errors fulfillment.
- The concept of the sale contract, ingredients of the contract.
- Delivery of possession and transfer of title.
- Consumer sales.
- Rental and leasing of real estate
- Treaty on the transmission.
- Termination of the brokerage contract.
- Legal arrangements for intervention.

Temeljna literatura in viri / Readings:

1. Cigoj: Teorija obligacij, Ljubljana 1981.
2. Strohsack: Obligacijska razmerja, Ljubljana I (1995), II (1990) in III (1993).
3. Cigoj, Institucije obligacij, Uradni list, Ljubljana 1989.
4. Več avtorjev, Komentar obligacijskega zakona, GV, 2004.
5. Obligacijski zakonik (OZ, Ur. l. RS, št. 83/01 in nasl.)
6. Zakon o varstvu potrošnikov (ZVPot, Ur. l. RS, št. 20/98 in nasl.)

7. Stvarnopravni zakonik (SPZ, Ur. l. RS, št. 87/02 in nasl.)
8. Stanovanjski zakonik (SZ-1, Ur. l. RS, št. 69/03 in nasl.)
9. Zakon o nepremičninskem posredovanju (ZNPotr, Ur. l. RS, št. 42/03 in nasl.)
10. Obligations Code (Official Gazette of RS, no. 83/01 and next)
11. Consumer Protection Act (Official Gazette of RS, no. 20/98 and next)
12. Law of Property Code (Official Gazette of RS, no. 87/02 and next)
13. Housing Act (Official Gazette of RS, no. 69/00 and next)
14. Real Estate Agencies Act (Official Gazette of RS, no. 42/03 and next)
15. Možina, Vlahek: Contract Law in Slovenia, Wolters Kluwer, 2019.

Cilji in kompetence:

Učna enota prispeva k razvoju naslednjih splošnih in predmetnospecifičnih kompetenc:

- poznavanje zakonodaje na področju obligacijskih razmerij;
- poznavanje načel obligacijskega prava;
- poznavanje pogodbenega prava;
- sposobnost analiziranja, sintetiziranja pridobljenih znanj, predvidevanja rešitev in njihovih posledic;
- sposobnost fleksibilnega prenosa znanj v prakso.

Objectives and competences:

Learning unit contributes to the development of generic and subject specific competences:

- Knowledge of legislation relating to contractual obligations;
- Knowledge of the principles of the law of obligations;
- Knowledge of contract law;
- Ability to analyze, synthesize lessons learned and anticipate solutions and their consequences;
- Ability to flexibly transfer knowledge into practice.

Predvideni študijski rezultati:

Znanje in razumevanje:

Osvojitev razumevanja relevantnih predpisov in institutov s področja obligacijskega prava.

Obvladati samostojno uporabo predpisov.

Intended learning outcomes:

Knowledge and understanding:

To obtain the understanding of relevant provisions and institutes on the field of the law of obligations.

To master the independent use of provisions.

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

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

- 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

- 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)	Delež (v %) / Weight (in %)	Type (examination, oral, coursework, project):
Pisni ali ustni izpit	90%	Written or oral examination
Udeležba na glavni obravnavi in poročilo	10%	Attendance at court hearing and report

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.