

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	Stvarno pravo
Course title:	Property Law

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Pravo – 1. stopnja		2	2
Law – 1st degree		2	2

Vrsta predmeta / Course type obvezni / mandatory

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
50	0	15	0	0	85	6

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

Jeziki / Languages:	Predavanja / Lectures:	Slovenski jezik /Slovenian
	Vaje / Tutorial:	slovenski jezik /Slovenian

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

Izpolnjevanje pogojev za vpis v 2. letnik.
Vsaj 80% prisotnost na predavanjih in vajah.

Prerequisites:

Enrollment in the 2nd year of undergraduate study.
At least 80% attendance at lectures and tutorials.

Vsebina:

Content (Syllabus outline):

V okviru predmeta se bodo študentke in študente seznanili s temeljnimi načeli in instituti stvarnega prava.

Obravnavana bodo naslednja področja:

- Temeljna načela in pojmi stvarnega prava
- Posest
- Evidentiranje nepremičnin (zemljiška knjiga in kataster)
- Lastninska pravica
- Zastavna pravica
- Služnosti (stvarne, osebne)
- Druge stvarne pravice

Obravnavana bodo tudi vprašanja, povezana z ustavnim varstvom pravice do zasebne lastnine (33. člen Ustave).

Within the course, students will be introduced to the basic principles and institutes of property law.

The following areas will be addressed:

- Basic principles and concepts of property law
- Possession
- Real estate registration (estate register and cadastre)
- Right of ownership
- Pledge
- Easements (real, personal)
- Other property rights

Issues related to the constitutional protection of the right to private property (Article 33 of the Constitution).

Temeljna literatura in viri / Readings:

1. JUHART, Miha, TRATNIK, Matjaž, VRENČUR, Renato. *Stvarno pravo*. 2., spremenjena in dopolnjena izdaja Ljubljana: GV založba, 2023.
2. JUHART, Miha, TRATNIK, Matjaž, VRENČUR, Renato. *Stvarnopravni zakonik (SPZ) s komentarjem*, Uradni list Republike Slovenije, Pravna fakulteta Univerze v Ljubljani, Pravna fakulteta Univerze v Mariboru, Ljubljana 2016.
3. TRATNIK, Matjaž, *Stvarnopravni zakonik (SPZ) s praktičnim komentarjem*, Lexpera GV Založba, Ljubljana 2020.
4. *Stvarnopravni zakonik (SPZ)*, Uradni list RS, št. 87/02 in nasl.)
5. *Zakon o zemljiški knjigi (ZZK-1)*, Uradni list RS, št. 58/03 in nasl.,)
6. *Law of Property Code* (Official Gazette of RS, no. 87/02 and next)
7. *Land Register Act* (Official Gazette of RS, no. 58/03 and next)
8. Rainer J. Michael (ur.), Filip -Fröschl Johanna (ur.), *Transfer of title concerning movables*, Part 1, Peter Lang, Frankfurt 2006.
9. Kramberger, J., Vlahek, Ana: *Property and Trust Law in Slovenia*. Wolters Kluwer 2016.

Cilji in kompetence:

Študenti/ke bodo pridobili naslednje predmetno specifične kompetence:

Cilj predmeta je, da študent pridobi temeljna teoretična znanja s področja stvarnega prava, prav tako pa tudi dobro poznavanje veljavne zakonodaje in sodne prakse na tem področju. Študentke in študenti bodo poleg teoretičnega znanja pridobili tudi določene praktične

Objectives and competences:

Students will gain the following subjects specific competences:

The aim of the course is that students acquire basic theoretical knowledge in the field of property law, as well as a good knowledge of legislation and case law in this field. In addition to theoretical knowledge, students will also acquire certain practical skills. Through various

veščine. S pomočjo različnih oblik izvajanja študijskega procesa, zlasti tudi preko aktivnega sodelovanja študentov (seminarji, vaje, konzultacije), bodo razvijali sposobnosti razumevanja stvarnopravne problematike ter analize in iskanja rešitev za konkretne življenjske primere. Cilj je, da se študentke in študentje pridobijo uporabno znanje s stvarnopravnega področja, ki bo dobra podlaga za njihovo poklicno udejstvovanje (bodisi v okviru pravosodnih poklicev bodisi v drugih pravnih službah).

Na podlagi osvojenega znanja bo študent v praksi sposoben samostojne analize konkretnega življenjskega primera, opredelitve pravnega problema, uporabe veljavnih pravnih predpisov in sprejetja ustrezne rešitve za konkretni primer. Dobro poznavanje in razumevanje temeljnih stvarnopravnih institutov bo omogočilo kvalitetno delo bodočih pravnikov (sodnikov, odvetnikov, notarjev) na tem področju.

Študenti/ke bodo pridobili naslednje splošne kompetence:

Temeljno znanje, ki naj bi ga študent pridobil po uspešno opravljenih obveznostih pri predmetu, je sestavljeno iz poznavanja splošnih načel in institutov stvarnega prava, in sicer tako prek pravne teorije kot tudi sodne prakse. Teoretično znanje in pridobljene sposobnosti razumevanja bodo uporabljive pri interpretiranju zakonodaje. Študentke in študenti bodo skozi poznavanje temeljnih stvarnopravnih načel in institutov, ki so pogosti v pravnem prometu, razvili svoje lastne sposobnosti razumevanja tega področja ter pravnega razmišljanja in analiziranja konkretnih primerov.

Študentkam in študentom bo v učnem procesu omogočeno aktivno sodelovanje. Tako bodo lahko razvijali lastne sposobnosti razmišljanja in

forms of implementation of the study process, especially through the active participation of students (seminars, exercises, consultations), they will develop the ability to understand property issues, to analyse and find solutions for practical cases. The aim is that students acquire useful knowledge in the field of property law, which will be a good basis for their professional activities (either in the judiciary or in other legal practices).

On the basis of the acquired knowledge, the student will be able to independently analyse a practical case, to define a legal problem, to apply relevant legislation and to find an appropriate solution for the concrete case. Good knowledge and understanding of basic property law institutes will enable quality work of future lawyers (judges, lawyers, notaries) in this field.

Students will gain the following general competences:

The basic knowledge that student should acquire after successfully completed course consists of knowledge of the general principles and institutes of property law, both through legal theory and case law. Theoretical knowledge and acquired comprehension skills will be useful in interpreting the legislation. Through knowledge of the basic principles of property law and institutes that are common in legal transactions, students will develop their own skills of understanding, legal thinking and analysing of concrete cases.

Students will be able to actively participate in the learning process. So they will be able to develop their own thinking and research skills, as well as

raziskovanja ter analiziranja ustrezne literature in sodne prakse (domače in tuje).

analysing relevant literature and case law (domestic and foreign).

Predvideni študijski rezultati:

Znanje in razumevanje:

Študent/študentka:

- Seznanitev študentov z osnovnimi pojmi in načeli stvarnega prava.
- Osvojitve teoretičnega in praktičnega znanja o temeljnih institutih stvarnega prava.

Intended learning outcomes:

Knowledge and understanding:

Student / student:

- To introduce students to the fundamental concepts of property law and to its basic principles;
- Acquiring the theoretical and practical knowledge of property law institutes.

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

Delež (v %) /

Weight (in %)

Načini ocenjevanja:

Assessment:

Način (pisni izpit, ustno izpraševanje, naloge, projekt)

Type (examination, oral, coursework, project):

Pisni izpit

100%

Written examination;

V primeru manjšega števila prijavljenih študentov si nosilka pridržuje pravico, da izvede ustne izpite.		In case of a low number of students, the right to conduct oral examinations is reserved.
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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 pravo 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 bussines 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, as a lawyer and at the 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 a 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.