UČNI NAČRT PREDMETA / COURSE SYLLABUS	
Predmet:	**Institucije stvarnega prava**
Course title:	**Property Law Institutions**

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Civilno in gospodarsko pravo 2. stopnje		1	1
Civil and Commercial Law – 2nd degree		1	1

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
40	0	30	0	0	80	6

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

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

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:	**Prerequisits:**
Vpis v 1. letnik podiplomskega študijskega programa. Vsaj 80% prisotnost na predavanjih.	Enrollment in the 1st year of the postgraduate study program. At least 80% attendance at lectures.

Vsebina:	**Content (Syllabus outline):**
– Splošni pojmi: stvar, stvarne pravice, denar. – Stvarno pravo: stvarnopravna razmerja, načela in temeljni pojmi, posest, zemljiška knjiga in katastre, lastninska pravica, stavbna pravica,	– General terms: object of property, rightsin rem, currency. – Property law: legal relations under property law, principles and basic terms, possession, land registry , right of property, superficies, pledge and

zastavna pravica, zemljiški dolg, služnosti pravicastvarnega bremena,

- Temeljna načela stvarnega prava
  - numerus clausus stvarnih pravic,
  - absolutnost,
  - prednostno načelo,
  - načelo specialnosti,
  - načelo superficies solo cedit,
  - načelo dobre vere in domneva dobre vere,
  - publicitetno načelo stvarnihpravic
  - tradicijsko načelo
  - načelo ločevanja
  - kavzalnost
- Stvar (premična, nepremična, potrošna, nepotrošna, nadomestna,nenadomestna itd)
- sestavina in pritiklina
- javno dobro
- posest
- lastninska pravica
- pridobitev lastninske pravice
- razmerja več oseb na eni stvari (skupna lastnina, solastnina in etažna lastnina)
- sosedsko pravo
- varstvo lastninske pravice (reivindikacijska tožba, publicijanskatožba in negatorna tožba)
- zastavna pravica
- služnosti
- stvarno breme
- stavbna pravica
- fudicirani prenos lastninske pravice
- lastninski pridržek

liens, land charge, easements, right of encumbrance, .

- Fundamental principles of property law
  - numerus clausus of absolute property rights

principle of absolute rights,

  - principle of priority,
  - principle of specification,
  - superficies solo cedit
  - principle of good faith and the presumption of good faith,
  - the principle of publicity ofproperty rights,
  - the principle of tradition,
  - the principle of separation,
  - the principle of causal transfer
- object of property rights (moveable, immoveable, fungible, non-fungible assets, etc)
- components and accessories
- the public domain
- the possession,
- the property and ownership,
- rights of several persons on one asset (joint ownership, co-ownership, condominuim)
- neighbouring law
- protection of property (rei vindication, actio de in rem publiciana, actio negatoria)
- lien, pledge and mortgage,
- encumbrances and servitudes,
- land charge
- superficies and emphyteusis
- fiduciary transfer of property
- title retention

Temeljna literatura in viri / Readings:

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

Cilji in kompetence:

Študenti/ke bodo pridobili naslednje predmetno specifične kompetence:

- poznavanje in razumevanje osnovnih pravnih pojmov, pravnih načel in pravil s področja stvarnega prava
- razvoj sposobnosti dostopati do domače in tuje sodne prakse;
- sposobnost samostojnega in avtonomnega študijskega dela;
- razvoj sposobnosti kritično analizirati pravne vire in pravna besedila;
- kritična refleksija obstoječih pravnih virov in ocena njihove potrebnosti in kakovosti;
- uporaba pojmov, načel in pravnih pravil pri reševanju konkretnih primerov iz sodne prakse;
- sposobnost kritične strokovne razprave in analize o temeljnih pojmih, načelih in pravil stvarnega prava;
- sposobnost ustreznega navajanja domačih in mednarodnih pravnih virov, domače in mednarodne sodne prakse in elektronskih virov;

Objectives and competences:

Students will gain the following subjects specificcompetences:

- knowledge and understanding of fundamental legal concepts, legal principles and rules in the field of property law
- developing the capacity to access domestic and foreign jurisprudence;
- ability to study independently and autonomously;
- developing the ability to critically analyse legal sources and legal texts;
- a critical reflection on existing legal sources and an assessment of their need and quality;
- the application of concepts, principles and legal rules to the resolution of specific cases from case-law;
- ability to critically discuss and analyse expertly the fundamental concepts, principles and rules of property law;
- ability to properly cite domestic and international legal sources, domestic and international jurisprudence and electronic resources;

Študenti/ke bodo pridobili naslednje splošne kompetence:	**Students will gain the following generalcompetences:**
– uporaba ustreznih metod pravnega raziskovanja, njihovih postopkov, analize in sinteze; – razvoj komunikacijskih sposobnosti in veščin pri razumevanju in uresničevanju stvarnega prava; – razvoj veščin javnega nastopanja in predstavitev pri obravnavi vprašanj stvarnega prava; – razvoj veščin svobodnega podjetništva pri uresničevanju načel in pravil stvarnega prava; razvoj ustvarjalnosti in sposobnosti premagovanja problemov pri uporabi načel in pravil stvarnega prava; – razvoj sposobnost vodenja pri reševanju konkretnih primerov s področja stvarnega prava; – razvoj sposobnosti uporabe interdisciplinarnih znanj pri reševanju zadev s področja stvarnega prava; – sposobnost uporabe stvarnega prava pri in reševanju sporov v delovnem okolju.	– the use of appropriate methods of legal research, their procedures, analysis and synthesis; – development of communication skills and competences in the understanding and implementation of property law; – developing public speaking and presentation skills when dealing with questions and issues of property law; – developing free enterprise skills in the implementation of the principles and rules of property law; developing creativity and the ability to overcome problems in applying the principles and rules of property law; – developing leadership skills in resolving property law cases; – developing the ability to use interdisciplinary knowledge in the resolution of property law cases; – ability to apply property law to the resolution of disputes in the work environment.

Predvideni študijski rezultati:	**Intended learning outcomes:**
Znanje in razumevanje: *Študent/študentka:* – Seznanitev študentov z osnovnimi pojmi stvarnega prava ter njegovimi temeljnimi inštituti; – Osvojitev temeljnih vprašanj stvarnega prava – razvije zanimanje in znanje o stvarnempravu - splošni in posebni del; – razvije kritično razumevanje	Knowledge and understanding: Student / student: – To introduce students to the fundamental concept of property law and to its fundamental principles; – Acquiring the fundamental knowledge ofproperty law; – aims to develop the students' interest in, and knowledge of, property law – develop a critical understanding of the events and guidelines relevant to the

stvarnega prava ; – zmožen/na je kritične presoje ter analize in interpretacije dogodkov in usmeritev iz stvarnega prava – splošni in posebni del v sodobnem obdobju; – sposoben je kritično oceniti in se opredeliti do prakse rednih sodišč; – sposoben kritičnega presojati, analizirati in razlagati dogodke in politike, povezane z vidiki stvarnega prava v sodobnem obdobju; – pozna in uporablja osnovne metodološke pristope pri raziskovanju vprašanj stvarnega prava.	property law – general and specific perspectives in modern period; – is able to critically evaluate and define the practice of property bodies, property courts and the Constitutional Court; – is able to critically address the protection of human rights and fundamental freedoms in property law; – Able to the appropriately place right to good governance in the protection of human rights in property law – general and specific perspectives; – Able to the critical judge, analyse and interpret events and policies related to property law – specific perspectives in the modern period; – to know and use basic methodological approaches to property law – general and specific perspectives.

Metode poučevanja in učenja:	**Learning and teaching methods:**
Oblike dela: ☒ Frontalna oblika poučevanja ☐ Delo v manjših skupinah oz. v dvojicah ☒ Samostojno delo študentov ☒ e-učenje ☒ drugo (vpišite) seminarska naloga	**Types of learning/teaching:** ☒ **Frontal** teaching ☐ Work in smaller groups or pair work ☒ Independent students work ☒ e-learning ☒ other research paper
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	**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

Načini ocenjevanja:	Delež (v %) / Weight (in %)	**Assessment:**
Način: Pisni ali ustni izpit	 **100%**	Type: Writtten 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 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 še gratuated 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.