

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet: Temeljno o mediaciji
Course title: Basics on Mediation

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Alternativno reševanje sporov - 2. stopnja		1	1
Alternative Dispute Resolution - 2 nd degree		1	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:

Prof. dr. Marko Novak/Prof. Marko Novak, PhD

**Jeziki /
Languages:**

Slovenščina/
Slovene

**Predavanja /
Lectures:** Slovenski jezik/Slovenian/Angleški jezik/English

Vaje / Tutorial: /

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

Vpis v prvi letnik.

Vsaj 80% prisotnost na predavanjih.

Prerequisites:

Enrollment in the first year.

At least 80% attendance at lectures.

Vsebina:

Študentje bodo najprej spoznali temeljne pojme in načela s področja mediacije. Zatem bo sledila primerjava s sorodnimi postopki ARS, pa tudi razlike bodo izpostavljene glede na arbitražo ter sodno reševanje sporov. Spoznali bodo tudi temeljne pravne vire glede tega področja v Sloveniji (zakonski ter podzakonski) kot tudi v okviru EU.

Zatem bodo spoznali temeljne pristope v mediacije ter vrste mediacije, posebej bo izpostavljena razlika med sodišču pridruženo mediacijo in izvensodno mediacijo. Sledilo bo spoznavanje vloge mediatorja in udeležencev v mediacijskem procesu. Prikazan bo mediacijski proces s fazami mediacije.

Študenti bodo spoznavali tudi znanja s področja konflikta, njegovega obvladovanja, o čustvih v mediaciji ter pogajanjih.

Zadnji sklop obravnavane tematike se bo ukvarjal s posebnostmi mediacije v nekaterih vrstah sporov: delovni spori, družinski spori, odškodninski in zavarovalni spori, gospodarski in potrošniški spori.

Content (Syllabus outline):

Students will first learn the basic concepts and principles from the area of mediation. Then a comparison with similar ADR procedures will follow where also differences with arbitration and judicial dispute resolution will be presented. They will also learn the basic legal sources about this topic in Slovenia (legislation and executive regulations) as well as the EU.

The students will also learn the basic approaches to mediation and types of mediation, including the difference between court-annexed mediation and out-of-court mediation. They will also get familiar with the role of a mediator and other participants in a mediation process. The mediation process with all its phases will be presented.

The students will obtain knowledge from the area of conflict, conflict management, emotions in mediation and negotiations.

The last part of the subject will deal with special types of mediation in different areas: labor disputes, family disputes, compensation and insurance disputes, commercial and consumer disputes.

Temeljna literatura in viri / Readings:

1. Šetinc Tekavc, M. (2002). Mediacija. Ljubljana: Učila Int.
2. Betetto, N., in drugi. (2011). Mediacija v teoriji in praksi: Veliki priročnik o mediaciji. Ljubljana: Društvo mediatorjev Slovenije.
3. METELKO, TP. (2018). Mediacijske tehnike in veščine. Priročnik za preprečevanje in reševanje konfliktov in osebno rast v komuniciranju. Ljubljana: ProCreathor.
4. Whatling, T. (2021). Mediation and Dispute Resolution: Contemporary Issues and Development. Jessica Kingsley Publishers.
5. Moore, C. W. (2014). The Mediation Process: Practical Strategies for Resolving Conflict. Jossey-Bass.

Cilji in kompetence:

Študenti bodo pridobili naslednje predmetno-specifične kompetence:

-nadgradnja znanj in sposobnost uporabe pravne teorije in drugih interdisciplinarnih znanj v konkretnih situacijah reševanja sporov;
-poznavanje in razumevanje zgodovine razvoja pravnih ved in drugih ved z interdisciplinarnega področja reševanja sporov;
-razumevanje in obvladovanje pravnih znanj, ki so tesno povezana s področjem reševanja konfliktov in pogajanj na različnih področjih (sodno reševanje sporov, reševanje sporov pred sodišči Sveta Evrope, reševanje civilnih, gospodarskih, delovnih sporov, gospodarska arbitražna).

Študenti bodo pridobili naslednje splošne kompetence:

- sposobnost analize, sinteze in predvidevanja rešitev ter posledic pojavov na področju reševanja sporov in konfliktov;
- sposobnost uporabe znanj s področja konfliktov, reševanja konfliktov in sporov, postopkov alternativnega reševanja sporov, mediacije, arbitraže in pogajanj;
- študentje prava bi v sklopu podiplomskega študija »Alternativno reševanje sporov« imeli možnost pridobiti znanja tudi s področja psihologije, kulturologije, antropologije, socialnega dela; študentje drugih družboslovnih smeri pa bi dobili tudi znanja s področja prava in samega spora.

Objectives and competences:

Students will obtain the following subject specific competences:

- upgrading knowledge and abilities to use legal theory and other interdisciplinary knowledge in concrete situations of resolving disputes;
- knowing and understanding the history of development of legal disciplines and other disciplines from the interdisciplinary area of dispute resolution;
- understanding and mastering legal knowledge that is closely connected with the area of conflict resolution and negotiation in different areas (judicial dispute resolution, dispute resolution with the Council of Europe, resolution of civil, commercial and labor disputes, commercial arbitration).

Students will obtain the following general competences:

- ability to analyze, synthesize and envisage the solutions and consequences of problems and occurrences in the area of resolving disputes and conflicts;
- ability to use the knowledge from the area of conflicts, resolution of conflicts and disputes, procedures of alternative dispute resolution, mediation, arbitration and negotiation;
- in the framework of the post-graduate study program "Alternative dispute resolution", students with a legal background will have the possibility to obtain knowledge also from the area of psychology, cultural studies, anthropology, social work; whereas students with a background from social studies will obtain knowledge from law and legal resolution of disputes.

Predvideni študijski rezultati:

Znanje in razumevanje:

- študent-ka pridobi osnovno znanje o konceptu, teoretičnih izhodiščih in temeljnih načelih mediacije
- spozna, na katerih področjih se mediacija lahko uporablja, in je sposoben prepoznati konkretne primere, kjer se lahko uporablja postopek mediacije
- spozna in razume proces mediacije
- študent-ka zna uporabiti pridobljena znanja in spretnosti pri neposrednem delu z uporabniki
- študent-ka osvoji vodenje mediacij v enostavnih zadevah, t.j. v situacijah, kjer prepozna enostavnejše konflikte in lažje spore
- obvlada veččino ohranjanja profesionalne in osebne avtonomije v medsebojnih odnosih
- pozna in razume temeljne akte o mediaciji na področju EU
- pozna, razume in zna uporabljati nacionalne zakonske akte s področja mediacije.

Intended learning outcomes:

Knowledge and understanding:

Student will:

- get basic knowledge about theoretical perspectives and fundamental principles of mediation
- be able to manage mediation in different areas (Mediation in labour disputes, mediation in family disputes, insurance mediation, commercial mediation)
- understand the process of mediation
- know how to use acquired knowledge and skills in direct work with users
- maintain professional and personal autonomy in his various relations
- understand the fundamental instruments of mediation in the field of the EU
- understand and know how to use the national legal acts in the field of mediation.

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

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

<input type="checkbox"/> Študijski obiski podjetij ipd.) <input checked="" type="checkbox"/> Vključevanje gostov iz prakse <input checked="" type="checkbox"/> Udeležba na okrogli mizi, na konferenci	<input type="checkbox"/> Field work (e.g. company visits) <input checked="" type="checkbox"/> Inviting guests from companies <input checked="" type="checkbox"/> Attending round table and conference
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Načini ocenjevanja:	Delež (v %) / Weight (in %)	Assessment:
Način: Pisni izpit Seminarska naloga	70% 30%	Type: Writting exam Seminar Paper

Reference nosilca / Lecturer's references:

Marko Novak je redni profesor za filozofijo in teorijo prava ter ustavno pravo na Evropski pravni fakulteti Nove univerze ter Fakulteti za management in pravo. Na Pravni fakulteti Univerze v Ljubljani je diplomiral leta 1992. Magistriral je leta 1994 na *Georgetown University Law Center* v Washingtonu, D. C., ZDA, doktoriral pa na Pravni fakulteti Univerze v Ljubljani leta 2001. Bil je predsednik Sodnega sveta Republike Slovenije in član izvršnega odbora Evropske mreže sodnih svetov (*ENCJ*). Trenutno predseduje pritožbeni komisiji NAKVIS.

Marko Novak is Full Professor of Legal Philosophy, Legal Theory, and Constitutional Law at the European Faculty of Law of the New University, and the Faculty of Law and management (MLC). He graduated from the University of Ljubljana in 1992, completed his LL.M. at the Georgetown University Law School in the USA in 1994, and his doctorate in law at the University of Ljubljana in 2001. He has served as President of the Judicial Council of the Republic of Slovenia and member of the Executive Board of the European Network of Councils for the Judiciary (ENCJ). Currently he presides over the appeals commission of the Slovene Quality Assurance in Higher Education Agency.