

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet: Družinsko pravo
Course title: Family Law

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Socialni menedžment (UN), prva stopnja / Social management (BSc), first level	/	2.,3.	4.,6.

Vrsta predmeta / Course type

Izbirni/Optional

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
20	0	40	0	0	120	6

Nosilec predmeta / Lecturer:

doc. dr. Petra Kleindienst / Assist. Prof. Petra Kleindienst, Ph.D

Jeziki /

Languages:

Predavanja /

Lectures:

Slovensko / Slovenian, Angleško / English

Vaje / Tutorial:

Slovensko / Slovenian, Angleško / English

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

Ni posebnih pogojev.

Prerequisites:

No special prerequisites.

Vsebina:

Načela in viri družinskega prava

Osnovni pojmi družinskega prava

Pravna ureditev zakonske zveze

Pojem zakonske zveze, sklenitev zakonske zveze, pravne posledice zakonske zveze (osebne pravice in dolžnosti zakoncev, premoženjskopravna razmerja zakoncev), prenehanje zakonske zveze, razmerja med razvezanima zakoncema.

Pravna ureditev zunajzakonske skupnosti in registrirane istospolne partnerske skupnosti

Pojem zunajzakonske skupnosti in pojem registrirane istospolne partnerske skupnosti, pogoji za priznanje zunajzakonske skupnosti ter pogoji in postopek za registracijo istospolne partnerske skupnosti, pravne posledice zunajzakonske skupnosti in registracije istospolne partnerske skupnosti, postopek ugotavljanja obstoja oziroma neobstoja zunajzakonske skupnosti, prenehanje zunajzakonske skupnosti in pravne posledice prenehanja istospolne partnerske skupnosti

Pravna ureditev razmerij med starši in otroki

Otrokove pravice na ravni nacionalnih in mednarodnih aktov, aktov Evropske unije in aktov Sveta Evrope (pravica do razvoja in varstva otrok; prepoved diskriminacije otrok; obveznost države), temeljna načela roditeljskega prava, pravice in dolžnosti staršev ter otrok (roditeljska pravica, dolžnost preživljanja), ugotavljanje in izpodbijanje očetovstva in materinstva.

Postopek v zakonskih sporih in sporih iz razmerij med starši otroki

Ukrepi centra za socialno delo, ukrepi in pristojnosti sodišča, mediacija v družinskih zadevah.

Content (Syllabus outline):

Principles and sources of family law

Basic terminology of family law

Legal regulation of marriage

Definition of marriage, marriage, validity of marriage, legal consequences of marriage (personal rights and obligations of spouses, property relations between spouses), termination of marriage, relations between divorced spouses after the divorce.

Cohabitation and registered same-sex civil partnerships

Definition of cohabitation and registered same-sex civil partnerships, conditions for the recognition of cohabitation, conditions and procedure for registration of same-sex civil partnerships, legal consequences of both, procedure for establishing a cohabitation, termination of cohabitation and same-sex civil partnerships, legal consequences of cohabitation and same-sex civil partnerships.

Children and parental rights and responsibilities

Children rights on the international level, on the European Union level and on the level of the Council of Europe (right of children's development and protection; prohibition of children's discrimination; state obligations), basic principles of parental law, rights and obligations of parents and children (parental rights, responsibility for subsistence), establishing and impugning paternity or maternity.

Family law proceedings

Legal actions of centres for social work, legal actions and jurisdiction of the court, family mediation.

Temeljni literatura in viri / Readings:

- Novak, Barbara. *Družinsko pravo* (2017): Ljubljana: Uradni list Republike Slovenije. Izbrana poglavja.
- Osnovna zakonodaja s tega področja. / Basic legislation from this area.
- Gradivo, obravnavano na predavanjih in vajah. / Materials discussed during lectures and tutorials.

Priporočena literatura / Advised readings:

- Kmetovič Prkačin, Karmen, Mijić Vulinović, Ivana (2017): *Vodnik skozi razvezo zakonske zveze: psihološko-pravni priročnik*. Založba Forma 7 d.o.o.
- Avbelj, Matej (ur.). *Komentar Ustave Republike Slovenije* (2019): Nova Gorica: Nova univerza, Evropska pravna fakulteta.

Cilji in kompetence:

Cilj predmeta je študentu približati zakonodajo na področju družinskih razmerij ter delovanje ključnih organov na področju družinskega prava.

Splošne kompetence:

- razvoj kritične in samokritične presoje;
- sposobnost fleksibilne uporabe znanja v praksi;
- sposobnost divergentnega mišljenja, kritičnega presojanja, ustvarjalnosti in premagovanja problemov;
- sposobnost interdisciplinarnega povezovanja različnih strokovnjakov.

Predmetno-specifične kompetence:

- komuniciranje s strokovnjaki iz različnih področij gospodarskega in družbenega življenja ter z različnimi interesnimi skupinami;
- razumevanje odnosov med posamezniki, organizacijami in družbenim okoljem, zmožnost za kompleksno sistemsko gledanje in delovanje;
- občutljivost za odnose med ljudmi pri delu, fleksibilnost in sposobnost za skupinsko delo, samoiniciativnost, prevzemanje odgovornosti, sposobnost razmišljanja in oblikovanja lastnega mnenja.

Objectives and competences:

The objective of the course is to broaden the students' knowledge on legislation in the field of family relationships as well as the functioning of key authorities in the field of family law.

General competences:

- development of critical and self-critical judgment;
- the ability of the flexible use of knowledge in practice;
- the ability of divergent thinking, critical judgment, creativity and problems solving;
- the ability of interdisciplinary integration of different experts.

Subject-specific competences:

- communication with experts from different areas of economy and social life as well as with different interest groups;
- understanding of relationships between individuals, organizations in the social environment, ability to have a complex systematic view and action;
- sensitivity to relationships between people at workplace, flexibility and ability to teamwork, self-initiative, responsibility, ability of thinking and having one's own opinion.

Predvideni študijski rezultati:

Znanje in razumevanje:

Študent:

- pridobi vpogled v relevantno zakonodajo na področju družinskega prava;
- se seznani z aktualno in pomembnejšo judikaturu na področju družinskega prava;
- osvoji znanje o temeljnih pravnih institutih na področju družinskega prava in relevantni pravni terminologiji;
- razume okvire delovanja posameznih ključnih organov na področju družinskega prava.

Intended learning outcomes:

Knowledge and understanding:

Student:

- gains an insight to the relevant legal text in the field of family law;
- gets acquainted with current and relevant judisprudence in the field of family law;
- acquires the knowledge on legal concepts and legal terminology in family law;
- understands the legal framework of key authorities in the field of family law.

Metode poučevanja in učenja:

- Predavanja z aktivno udeležbo študentov (razlaga, diskusija, vprašanja, primeri, reševanje problemov);
- Delo v skupini, ki temelji na sodelovalnem in problemskem učenju, ali individualno delo (študija primerov, diskusija, sodelovalno učenje, izdelava naloge in njena predstavitev);
- Konzultacije (diskusija, dodatna razlaga, obravnava specifičnih vprašanj relevantnih za izbrane naloge);
- Uporaba spletne učilnice oziroma drugih sodobnih IKT orodij;
- Spodbujanje samostojnega študija (motiviranje, usmerjanje, samouravnavanje, refleksija).

Learning and teaching methods:

- Lectures with active student participation (explanation, discussion, questions, case studies, problem solving);
- Team work or individual work based on experience, co-operation, problem learning (case study, discussion, co-operative learning, seminar work);
- Consultations (discussion, additional explanation, treatment of specific questions);
- Use of online classroom or other contemporary ICT tools;
- Encouraging independent study (motivation, mentorship, self-regulation, reflexion).

Načini ocenjevanja:

Načini:

- Pisni izpit
- Seminarska naloga z analizo primerov

Delež (v %) /

Weight (in %)

Assessment:

Types:

- Written examination
- Seminar work with case studies

Ocenjevalna lestvica – skladno s Pravilnikom o preverjanju in ocenjevanju znanja.		Grading is in accordance with the Faculty's evaluation Ordinance.
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Reference nosilca / Lecturer's references:

Diplomirana pravica (2011); Magistrica prava (2014); Doktorica znanosti (2018)
Bachelor of Law (2011); Master of Law (2014); Doctor of Science (2018)

Praktične izkušnje iz področja/ Practical experience in the field:

- Generalni sekretariat Republike Slovenije (2010) / General Secretariat of the Government of the Republic Slovenia (2010)
- Center za socialno delo (2010) / Center for Social Work (2010)

Izbrane publikacije / Selected publications:

AVBELJ, Matej, BARDUTZKY, Samo, DEŽMAN, Aljoša, FARMANY, Polona, GALIČ, Aleš, GRAD, Franc, IGLIČAR, Albin, IVANC, Blaž, KAUČIČ, Igor, KERŠEVAN, Erik, KLEINDIENST, Petra, KNEZ, Rajko, KOVAČ, Polonca, MOŽINA, Damjan, PIRNAT, Rajko, PODLIPNIK, Jernej, ŠEPEC, Miha, ŠTURM, Lovro, TOPLAK, Jurij, TRSTENJAK, Verica, ZAGORC, Saša, ŽUBER, Bruna, ZAGRADIŠNIK, Renata, LETNAR ČERNIČ, Jernej, ZIDAR, Andraž, DROBEŽ, Eneja, VATOVEC, Katarina, ČEBULJ, Janez (avtor, član uredniškega odbora), et al., AVBELJ, Matej (urednik). *Komentar Ustave Republike Slovenije: [znanstvena monografija]*. 1. natis. Nova Gorica: Nova univerza, Evropska pravna fakulteta, 2019. 2 zv. (725; 519 str.), ISBN 978-961-6731-26-3, ISBN 978-961-6731-27-0, ISBN 978-961-6731-28-7.

KLEINDIENST, Petra. Economic and Social Security in EU: Reforming Slovenian Law on Social Entrepreneurship. *Research in Social Change*, ISSN 1855 – 4202, 2019, vol. 11, no. 2.

KLEINDIENST, Petra. Understanding the different dimensions of human dignity: analysis of the decision of the Constitutional Court of the Republic of Slovenia on the "Tito street" case. *Danube: law and economics review*, ISSN 1804-6746, 2017, vol. 8, no. 3, pp. 117-147.

KLEINDIENST, Petra, TOMŠIČ, Matevž. Human dignity as the foundation of democratic political culture: legal and philosophical perspective. *Law, culture and the humanities: a publication of the Association for the study of law, culture and humanities*, ISSN 1743-8721, 2017, pp. 120.

KLEINDIENST, Petra. Narava človekovega dostojanstva. *Raziskave in razprave*, ISSN 1855-4148, 2016, vol. 9, no. 1/3, pp. 195-232.

KLEINDIENST, Petra. School and enhancement of self-expression values. V: GARCIA LABORDA, Jesus (ur.). *Proceedings, 8th World Conference on Learning, Teaching and Educational Leadership (WCLTA-2017)*, 26 to 28 October 2017, Universidade Alberta, Lisbon, Portugal, (New trends and issues proceedings on humanities and social sciences, ISSN 2547-8818). Nicosia: Science Park Research Organization and Counseling (SPROC). 2017, vol. 4, no. 8, pp. 184-194.

KLEINDIENST, Petra. Comprehensive understanding of human dignity. V: FILEJ, Bojana

(ur.). *Zbornik prispevkov z recenzijo = Proceeding book with peer review, 5. Mednarodna znanstvena konferenca za človeka gre: interdisciplinarnost, transnacionalnost in gradnja mostov.* Maribor: Alma Mater Europea - ECM. 2017, str. 967-974.