

GUIDELINES FOR PREREQUISITE EXAM/NAVODILA ZA DIFERENCIALNI IZPIT

Introduction to Law / Uvod v pravo

PROFESSORS/NOSILCI:

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Vsebina:

Pojem in razvoj prava

Pravo kot družbeni pojav in normativni sistem

Razmerje med pravom, moralo in pravičnostjo

Temeljne ideje pravne teorije in filozofije prava

Zgodovina prava: oris razvoja od rimskega do sodobnega prava

Država in pravo

Pojem države in njen zgodovinski razvoj

Temeljne funkcije države v pravni ureditvi

Pravna država: pojmovna opredelitev, temeljna načela (npr. zakonitost, delitev oblasti, sodni nadzor)

Odnos med posameznikom in državno oblastjo

Pravni red in njegovi temelji

Pravno pravilo: sestava in značilnosti

Pravni akti in pravni viri (pisani in običajni)

Content:

The Concept and Development of Law

Law as a social phenomenon and normative system

The relationship between law, morality and justice

Core ideas in legal theory and philosophy of law

History of law: an overview from Roman law to modern legal systems

State and Law

The concept of the state and its historical development

Fundamental functions of the state within the legal order

The Rule of Law: definition, key principles (e.g. legality, separation of powers, judicial review)

The relationship between the individual and state authority

Legal Order and Its Foundations

Legal norm: structure and characteristics

Legal acts and sources of law (written and customary)

Pravno razmerje in pravni subjekti
Sistematizacija prava: delitev na materialno in procesno pravo, javno in zasebno pravo

Uvod v temeljne pravne panoge

Civilno pravo: temeljni pojmi, struktura civilnega prava, razmejitve od javnega prava

Obligacijsko pravo: uvod v obveznosti kot temelj pravnega prometa

- Pojem obveznosti in obligacij
- Temeljna načela obligacijskega prava
- Osnovna razmerja med dolžnikom in upnikom

Uvod v razumevanje delovnega in socialnega prava: temeljni instituti in funkcija varstva šibkejših strank

Kazensko pravo: osnovni pojmi, načela kaznovanja, namen kazni in sistem kazenskih sankcij

Pravni red Evropske unije

Organizacija in institucije EU

Pravni viri EU in njihov pomen v nacionalnih pravnih redih

Temeljne svoboščine kot osnova notranjega trga

Osnove konkurenčnega prava in pravnega varstva

Razlaga prava in pravnih aktov

Zakaj razlagamo pravo: pomen in meje pravne interpretacije

Temeljne metode razlage pravnih norm (jezikovna, sistemska, teleološka, zgodovinska)

Razlagalni argumenti in pravna argumentacija

Sistematizacija in razvoj pravnega sistema

Legal relationships and legal subjects
Systematisation of law: distinction between substantive and procedural law; public and private law

Introduction to Core Legal Fields

Civil law: basic concepts, structure of civil law, distinction from public law

Law of obligations: introduction to obligations as the basis of legal transactions
Concept of obligations and contractual relations

Fundamental principles of the law of obligations

Basic relations between debtor and creditor

Labour and social law: introduction to key institutions and protective function for the weaker party

Criminal law: basic concepts, principles of criminal liability, purposes of punishment and sanctions

The Legal System of the European Union

Organisation and institutions of the EU
Sources of EU law and their relevance in national legal systems

The four fundamental freedoms of the internal market

Basics of competition law and legal protection in the EU

Interpretation of Law and Legal Acts

Why legal interpretation matters: scope and limitations

Core methods of interpreting legal norms (literal, systematic, teleological, historical)

Argumentation in legal reasoning

Systematisation and Development of the Legal System

Classical branches of law and their primary divisions

Growing specialisation: emergence of new legal areas (e.g. environmental law, information law, AI law)

Klasične pravne panoge in temeljne skupine prava

Naraščajoča specializacija: nastajanje novih pravnih področij (npr. pravo varstva okolja, informacijsko pravo, pravo umetne inteligence)

Vloga sistematizacije za pravno varnost in predvidljivost

The role of legal systematisation in ensuring legal certainty and predictability

Temeljna literatura in viri / Readings:

Temeljna literatura/ Required reading:

- Penner, J., Schiff, D., & Nobles, R. (Eds.). (2005). *Jurisprudence and legal theory*. Oxford University Press.
- Ward, I. (2004). *Introduction to critical legal theory* (2nd ed.). Routledge-Cavendish.

Priporočena literatura/ Recommended reading:

- Cerar, M., Novak, A., & Pavčnik, M. (2019). *Uvod v pravoznanstvo* (3rd ed.). Uradni list.
- Finch, J. D. (1979). *Introduction to legal theory* (3rd ed.). Sweet & Maxwell.
- Pavčnik, M. (2020). *Teorija prava* (6th ed., with a new chapter by A. Novak). Ius Software and GV Založba.

Načini ocenjevanja: Pisni izpit, ki vključuje tudi reševanje primerov.

Assessment: Written exam which includes resolving cases.

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Signature/podpis: Assoc. Prof. Benjamin Flander