

UČNI NAČRT

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	Ekonomska analiza prava
Course title:	Economic Analysis of Law

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Enoviti magistrski študijski program Pravo	/	4.	8.
Integrated master study programme Law	/	4 th	8 th

Vrsta predmeta / Course type Obvezen / Obligatory

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
60					60	4

Nosilec predmeta / Lecturer: Prof. dr. Katarina Zajc

Jeziki / Languages:	Predavanja / Lectures:	Slovenski/Slovene
	Vaje / Tutorial:	

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

Prerequisites:

Vsebina: _____

Content (Syllabus outline): _____

1. Uvod v ekonomsko analizo prava
 - 1.1. Kaj je ekonomska analiza prava
 - 1.2. Nekaj primerov
 - 1.3. Primer učinkovitosti nad razdelitvijo (distribucijo) v analizi zasebnega prava
 - 1.4. Zakaj naj pravniki študirajo ekonomijo? Zakaj naj ekonomisti študirajo pravo?
2. Pregled mikroekonomike
 - 2.1. Nekateri temeljni pojmi
 - 2.2. Matematična orodja
 - 2.3. Teorija potrošniške izbire in povpraševanja
 - 2.4. Teorija ponudbe
 - 2.5. Tržno ravnotežje
 - 2.6. Teorija iger
 - 2.7. Splošno ravnotežje in ekonomika blaginje
3. Ekonomska teorija lastnine
 - 3.1. Pravni pojem lastnine
 - 3.2. Teorija pogajanj
 - 3.3. Ekonomska teorija lastnine
 - 3.4. Kako so zavarovane lastninske pravice
 - 3.5. Katere dobrine so lahko v zasebni lasti
 - 3.6. O distribuciji
 - 3.7. Kako se lastninske pravice ustanovljajo in dokazujejo
4. Ekonomska teorija pogodb
 - 4.1. Kupčevalna teorija
 - 4.2. Ekonomska teorija pogodbe
 - 4.3. Teme iz ekonomike prava pogodb
5. Ekonomska teorija prava neposlovnih odškodninskih obveznosti
 - 5.1. Ekonomska teorija neposlovne odškodninske odgovornosti
 - 5.2. Izračun denarne odškodnine
6. Ekonomska teorija zločina in kazni
 - 6.1. Tradicionalna teorija kazenskega prava
 - 6.2. Ekonomska teorija kazenskega prava
 - 6.3. Ali kaznovanje odvrča od kriminalitete?
7. Konkurenčno pravo
 - 7.1. Ekonomska analiza omejevanja konkurence
 - 7.2. Horizontalno in vertikalno omejevanje konkurence
 - 7.3. Posamezni primeri omejevanja konkurence
8. Korporacijsko upravljanje
 - 8.1. Ekonomska definicija korporacijskega upravljanja

1. Introduction to economic analysis of law
 - 1.1. What is an economic analysis of law
 - 1.2. Some examples
 - 1.3. An example of efficiency over distribution (distribution) in a private law analysis
 - 1.4. Why lawyers should study economics? Why should economists study law?
2. Overview of microeconomics
 - 2.1. Some basic concepts
 - 2.2. Mathematical tools
 - 2.3. The theory of consumer choice and demand
 - 2.4. Offer theory
 - 2.5. Market balance
 - 2.6. Game theory
 - 2.7. General balance and welfare economics
3. Economic theory of property
 - 3.1. Legal concept of property
 - 3.2. Negotiation theory
 - 3.3. Economic theory of property
 - 3.4. How property rights are protected
 - 3.5. Which goods can be privately owned
 - 3.6. About distribution
 - 3.7. How property rights are established and proven
4. Economic theory of contracts
 - 4.1. Purchasing theory
 - 4.2. Economic theory of the contract
 - 4.3. Topics from the economics of contract law
5. The economic theory of the right of non-business compensation
 - 5.1. Economic theory of non-tortious liability
 - 5.2. Calculation of monetary compensation
6. The economic theory of crime and punishment
 - 6.1. Traditional theory of criminal law
 - 6.2. Economic Theory of Criminal Law
 - 6.3. Does punishment deter criminals?
7. Competition law
 - 7.1. Economic analysis of the restriction of competition
 - 7.2. Horizontal and vertical restriction of competition
 - 7.3. Individual examples of restriction of competition
8. Corporate governance

8.2. Posamezne teme iz korporacijskega upravljanja
9. Javna izbira
9.1. Definicija ekonomske analize političnega odločanja
9.2. Analiza volitev
9.3. Analiza sprejemanja določenih pravnih aktov

8.1. Economic definition of corporate governance
8.2. Individual topics from corporate governance
9. Public choice
9.1. Definition of Economic Analysis of Political Decision Making
9.2. Analysis of elections
9.3. Analysis of the adoption of certain legal acts

Temeljni literatura in viri / Readings:

Robert Cooter in Thomas Ulen, 2005, Ekonomska analiza prava, Časnik Finance, Ljubljana
Richard Posner, 2007, Economic Analysis of Law, 7th ed. Aspen Law & Business 2007. Veljavna zakonodaja, ki se objavi za vsako študijsko leto (dostopna na spletu: www.dz-rs.si), sodna praksa ter posamezni znanstveni članki, ki bodo objavljeni vsako leto posebej.
Robert Cooter and Thomas Ulen, 2005, Economic Analysis of Law, Journal of Finance, Ljubljana
Richard Posner, 2007, Economic Analysis of Law, 7th ed. Aspen Law & Business 2007.
Applicable legislation published for each academic year (available online: www.dz-rs.si), case law and individual scientific articles to be published annually.

Cilji in kompetence:

Cilj predmeta je, da slušatelj pridobi osnovna teoretična in praktična orodja ekonomike, s katerimi bo sposoben pravna pravila, postopke in pravne institucije analizirati tudi z vidika ekonomske učinkovitosti oziroma blaginje družbe kot celote.

Objectives and competences:

The objective of the course is for students to acquire basic theoretical and practical tools of economics, by which it will be able to analyze legal rules, procedures and legal institutions also in terms of economic efficiency and welfare of the society as a whole.

Predvideni študijski rezultati:

Znanje in razumevanje:
Po opravljenih obveznostih bo študent sposoben izkazati razumevanje temeljnih pravnih institutov, procesov ter instituciji z vidika ekonomske učinkovitosti ter blaginje družbe.
Pridobljeno znanje je mogoče neposredno uporabiti pri delovanju gospodarskih subjektov, sodniškem in odvetniškem delu ter zakonodajnem delu.
Ustno in pisno izražanje o pravnih vprašanjih, spretnost uporabe domače in tuje sodne prakse ter literature, kritična analiza pravnih vprašanj.
Študenti povezujejo pridobljeno znanje predvsem z ostalimi predmeti na Pravni fakulteti.

Intended learning outcomes:

Knowledge and understanding:
After fulfilling the course requirements, the student will be able to demonstrate an understanding of the basic legal institutes, processes and the institution in terms of economic efficiency and the welfare of society.
The acquired knowledge can be directly used in the operation of economic operators, judicial and lawyer work and legislative work. Oral and written expression on legal issues, the skill of using domestic and international case law, and literature, a critical analysis of legal issues.
Students combine acquired knowledge with other subjects at the Faculty of Law.

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Metode poučevanja in učenja:

predavanja (posredovanje temeljnih teoretičnih znanj)
 seminar (analiza sodne prakse, analiza konkretnih zakonskih in pravno-poslovnih določb)
 vaje (obravnavo izdelkov samostojnega dela)
 drugo delo (konzultacije v zvezi s pripravo izdelkov za obravnavo na vajah)

Learning and teaching methods:

lectures (mediation of basic theoretical knowledge) seminar (analysis of case law, analysis of concrete legal and legal provisions)
 exercises (dealing with articles of independent work) other work (consultations related to the preparation of tutorials)

Načini ocenjevanja:

3 seminarske naloge v obsegu 10 strani (font 11, Times New Roman, dvojni razmak).

Seminarska naloga se oceni z ocenjevalno lestvico od 5 - 10: od 6-10 (pozitivno) oziroma 5 (negativno), ob upoštevanju Statuta UL in pravil PF

Delež (v %) /
 Weight (in %)

100%

Assessment:

3 seminar papers in the range of 10 pages (font 11, Times New Roman, double space)

The seminar work is assessed on the scale 5-10 where 6-10 are the passing grades and 5 is a fail, in accordance with the UL Statute and rules, each seminar paper counts as 33.3% of the course grade.

Reference nosilca / Lecturer's references:

Cowen, Tyler, Glazer, Amihai, Zajc, Katarina. "Credibility May Require Discretion, Not Rules." *Journal of Public Economics*, 2000, 76:2, 295-306.

Gregorič, Aleksandra, Brezigar Masten, Arjana, Zajc, Katarina. "From social to private ownership: multiple blockholders in slovenian unlisted firms." *Emerging Markets Finance and Trade*, 2011, 47:5, 117-142.

Dimitrova-Grajzl, Valentina, Grajzl, Peter, Šušteršič, Janez, Zajc, Katarina. "Court output, judicial staffing, and the demand for court services : evidence from Slovenian courts of first instance." *International Review of Law and Economics*, 2012, 32:1, 19-29.

Gregorič, Aleksandra, Zajc Katarina and Marko Simoneti, "Agent's Response to Inefficient Judiciary: Social Norms and Law in Transition," *European Journal of Law and Economics*, 2012, vol. 34, no. 1, pp. 147-172