

# COMPARATIVE FAMILY LAW

## UČNI NAČRT PREDMETA/COURSE SYLLABUS

<b>Predmet:</b>	Comparative Family Law
<b>Course title:</b>	Comparative Family Law
<b>Članica nosilka/UL Member:</b>	UL PF

Študijski programi in stopnja	Študijska smer	Letnik	Semestri	Izbirnost
Pravo, prva stopnja, univerzitetni	Ni členitve (študijski program)	4. letnik	1. semester	izbirni

<b>Univerzitetna koda predmeta/University course code:</b>	0070364
<b>Koda učne enote na članici/UL Member course code:</b>	CFL

Predavanja /Lectures	Seminar /Seminar	Vaje /Tutorials	Klinične vaje /Clinical tutorials	Druge oblike študija /Other forms of study	Samostojno delo /Individual student work	ECTS
20	30	0	0	70	60	6

**Nosilec predmeta/Lecturer:** prof. dr. Barbara Novak

**Vrsta predmeta/Course type:** Posebni program študijskih izmenjav/Special elective course for Erasmus students

**Jeziki/Languages:**

Predavanja/Lectures:	Angleščina
Vaje/Tutorial:	

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

<b>Prerequisites:</b>	Exchange student of the University of Ljubljana
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**Vsebina:**

<b>Content (Syllabus outline):</b>	<ol style="list-style-type: none"><li>1. Introduction</li><li>2. Minimum standard laid down by international documents</li><li>3. Family law in the practice of European Court of Human Rights<ol style="list-style-type: none"><li>3.1. Right to family life</li><li>3.2. Right to marry and to found a family</li></ol></li><li>4. Efforts for harmonization of family law</li><li>5. Family law and comparative law<ol style="list-style-type: none"><li>5.1. Civil status</li><li>5.2. Right of name</li><li>5.3. Legal regulation of life unions<ol style="list-style-type: none"><li>5.3.1. Marriage</li><li>5.3.2. Extramarital union</li><li>5.3.3. Same-sex partnership union</li></ol></li><li>5.4. Legal relations between parents and children</li></ol></li></ol>
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	5.4.1. Determining parenthood 5.4.2. Parental responsibility 5.4.3. Maintenance 5.4.4. Child's contacts
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**Temeljna literatura in viri/Readings:**

<ul style="list-style-type: none"> <li>• Scerpe Jens M. (ed.). European family law. Vol. II, III (The changing concept of "family" and the challenges for domestic family law, Family Law in European perspective). Cheltenham (UK); Northampton (MA): E. Elgar, 2016;</li> <li>• Novak B., Description of Slovene family law. Jusletter (Bern), 2007, str. 1-12. <a href="http://www.weblaw.ch/de/content_edition/jusletter/jusletter.asp">http://www.weblaw.ch/de/content_edition/jusletter/jusletter.asp</a>;</li> <li>• Novak Barbara, Private autonomy in Slovenian family law. In: Verbeke Alain (ed.), Confronting the frontiers of family and succession law: liber amicorum Walter Pintens. Cambridge; Antwerp; Portland: Intersentia, 2012, p 1009-1031;</li> <li>• Novak Barbara, New statutory arrangement of maintenance in the Republic of Slovenia. Zbornik Pravnog fakulteta u Zagrebu, 4-5/2007, str. 743-760;</li> <li>• Boele-Woelki Katharina (ed.), Mol Charlotte (ed.), Gelder Emma van (ed.), European family law in action. Vol. 5, Informal relationships, (European family law series, 38). Cambridge; Antwerp; Portland: Intersentia, 2015.</li> </ul>
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**Cilji in kompetence:**

	<p><b>Objectives and competences:</b></p> <p>This course will deal with legal relations between life partners and between parents and children. The relations will be considered in the light of European Convention of Human Rights and Fundamental Freedoms and other legal documents which lay down a minimum standard for the national family law regulation. Special attention will be paid to the influence of these documents on family law systems of the countries of the European Community. In the end of the course students will be able to use basic research methodological instruments and also to analyse case-law of national judicial bodies and of the European Court of Human Rights.</p>
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**Predvideni študijski rezultati:**

	<p><b>Intended learning outcomes:</b></p> <p>Knowledge and understanding:  The student knows and understands aims and contents of different rights in family relations and also understands the position of these rights in a general legal system. The student is able to interpret legal provisions in different legal systems and to analyse important legal matters in family law.</p>
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**Metode poučevanja in učenja:**

	<p><b>Learning and teaching methods:</b></p> <ul style="list-style-type: none"> <li>• lectures (presentation of basic theoretical knowledge);</li> <li>• seminar (analyses of important judgements, analyses and interpretations of concrete legal provisions);</li> <li>• consultations</li> </ul>
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**Načini ocenjevanja:**

pisni izpit	Delež/Weight	Assessment: Written exam
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Ocenjevalna lestvica:

Grading system:

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**Reference nosilca/Lecturer's references:**

1. Novak Barbara, The changing concept of "family" and the challenges for family law in Slovenia. In: Scerpe Jens M. (ed.). European family law. Vol. 2, The changing concept of "family" and the challenges for domestic family law. Cheltenham (UK); Northampton (MA): E. Elgar, 2016, p 272-288;
2. Novak Barbara, Private autonomy in Slovenian family law. In: Verbeke Alain (ed.), Confronting the frontiers of family and succession law: liber amicorum Walter Pintens. Cambridge; Antwerp; Portland: Intersentia, 2012, p 1009-1031;
3. Novak Barbara, Slovenia. In: Boele-Woelki Katharina (ed.), Mol Charlotte (ed.), Gelder Emma van (ed.), European family law in action. Vol. 5, Informal relationships, (European family law series, 38). Cambridge; Antwerp; Portland: Intersentia, 2015, 1170 p;
4. Novak Barbara, Slovenia. V: Ashton Gordon R. (ed.). Court of protection practice 2013. Bristol: Jordans, 2013, str. 2212-2226;
5. Novak Barbara, Vormundschaft für Minderjährige in Slowenien. In: DUTTA, Anatol (ed.). Vormundschaft in Europa, (Beiträge zum europäischen Familien- und Erbrecht, Bd. 17). Bielefeld: Verlag Ernst und Werner Gieseking, 2015, str. 127-149.