

**UČNI NAČRT PREDMETA / COURSE SYLLABUS**

|                      |   |
|----------------------|---|
| <b>Predmet:</b>      | Sodobni izzivi kazenskega prava in pravosodja v kontekstu   |
| <b>Course title:</b> | Contemporary Criminal Law and Justice Challenges in Context |

| <b>Študijski program in stopnja</b><br>Study programme and level | <b>Študijska smer</b><br>Study field | <b>Letnik</b><br>Academic year | <b>Semester</b><br>Semester |
|--|--------------------------------------|--------------------------------|-----------------------------|
| Prvostopenjski univerzitetni študijski program Pravo             | <b>Pravo</b>                         |                                |                             |
| First-cycle University Study Programme in Law                    | <b>Law</b>                           |                                |                             |

**Vrsta predmeta / Course type**

Izbirni (posebni program študijskih izmenjav)  
Elective (Special elective course for Erasmus students)

**Univerzitetna koda predmeta / University course code:**

| <b>Predavanja</b><br>Lectures | <b>Seminar</b><br>Seminar | <b>Vaje</b><br>Tutorial | <b>Klinične vaje</b><br>work | <b>Druge oblike študija</b> | <b>Samost. delo</b><br>Individ. work | <b>ECTS</b> |
|-------------------------------|---------------------------|-------------------------|------------------------------|-----------------------------|--------------------------------------|-------------|
| <b>20</b>                     |                           |                         |                              | <b>70</b>                   | <b>90</b>                            | <b>6</b>    |

**Nosilec predmeta / Lecturer:**

Prof. dr. Nina Peršak

**Jeziki / Languages:**

**Predavanja / Lectures:** Angleščina  
English  
**Vaje / Tutorial:**

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

Predhodno znanje se ne zahteva. Študentje se bodo morali pripraviti na predavanja z branjem gradiva v angleškem jeziku, zato se pričakuje solidno znanje angleščine (tj. sposobnost neodvisnega branja, razumevanja in analize gradiva v angleščini).

**Prerequisites:**

No specific prior knowledge is required. As the students will have to prepare for classes by reading material in English, a good command of the English language is thus required (i.e., the ability to independently read and analyse texts in English).

**Vsebina:**

Predmet je razdeljen na tematske sklope, ki obravnavajo določene sodobne probleme in izzive kazenskega prava in kazenskega pravosodja v Evropi; konkretnije, tematiko: (i) pravosodne in sodniške legitimnosti (vključujoč zaupanje v sodstvo); (ii) kriminalizacije manjših družbenih prestopkov, kršitev javnega reda in miru, poznanih pod izrazi 'incivilities' ali 'proti-družbeno vedenje' (*anti-social behaviour*) v primerjalnopravni perspektivi; (iii) pravno relevantnih trenj in konfliktov med vrednotami, normami in različnimi kulturami ter t.i. pravnega moralizma v kazenskem pravu in pravosodju (s primeri); (iv) vpliva čustev na kazensko pravo, kazenskopravno politiko in pravosodje; in (v) kazenskopravnih omejitev svobode izražanja v postfaktični dobi.

Predmet je zasnovan interdisciplinarno po vzoru tujih pravnih predmetov 'prava v kontekstu', ki kritično obravnavajo določen pravni pojav iz različnih perspektiv z namenom podrobnejše osvetlitve razlogov za konkretno pravno ureditev in medsebojnega delovanja med pravom in družbenim (sociološko-pravnim, psihološkim, ekonomskim, političnim, primerjalnopravnim itd.) kontekstom, v katerem pravo nastaja in se uporablja – primarno v Evropi.

**Content (Syllabus outline):**

The course encompasses thematic blocks, which address contemporary challenges of the criminal law and justice in Europe: specifically, (i) the topic of judicial legitimacy (including the trust in courts) and the current rule-of-law challenges in the EU; (ii) issues regarding the criminalisation of incivilities (anti-social behaviour), i.e. of minor socially undesirable conduct, in a comparative perspective; (iii) the legally relevant conflict between values, norms and different cultures and legal moralism in criminal law and justice (with case studies, such as headscarf/burkini prohibitions); (iv) the influence of emotions/sentiment in criminal law, policy and justice; and (v) the criminal-law limitations of the freedom of expression in the post-truth, post-fact era.

The course adopts an interdisciplinary approach of the 'law in context', addressing legal phenomena critically from a variety of perspectives to illuminate the rationales for law and the interplay between law and the broader social setting in which the legal order operates. The context of the criminal law, criminal policy and justice will be drawn from the comparative-law discussions as well as from the wider social, socio-legal, psychological, economic and political context (primarily) in Europe.

**Temeljni literatura in viri / Readings:**

Gradivo za vsako predavanje bo dostopno na internetu.

The reading material will be made available online prior to each class.

**Cilji in kompetence:**

Cilji predmeta so:

- da študenti pridobijo znanje o določenih aktualnih temah in izzivih kazenskega prava, kazenskopravne politike in pravosodja,
  - da so študentje sposobni omenjeno znanje umestiti v širši družbeni kontekst,
  - da študentje poglobijo sposobnosti:
    - interdisciplinarnega razmišljanja,
    - kritične analize pravnih vprašanj,
    - prepričljivega argumentiranja in
    - pravnega pisanja v angleščini,
- kot tudi priprava študentov na nadaljnji študij v tujini.

**Objectives and competences:**

Objectives of the course are for students:

- to gain knowledge on certain topical issues and challenges of criminal law, policy and justice,
  - to be able to contextualise this knowledge in a wider social setting,
  - to gain or strengthen competences in:
    - interdisciplinary thinking,
    - critical analysis of legal issues,
    - persuasive legal argumentation, and
    - legal writing in English,
- as well as to prepare students for further studies abroad.

**Predvideni študijski rezultati:**

Znanje in razumevanje:

- sodobnih izzivov kazenskega prava in kazenskega pravosodja v Evropi,
- anglo-ameriškega pristopa k učenju prava in še posebej poučevanja pravnih predmetov 'v kontekstu' (*'in context'*)
- kritične analize pomembnih in zahtevnih vprašanj s področja kazenskega prava in pravosodja,
- sokratične metode.

**Intended learning outcomes:**

Knowledge and understanding of:

- the contemporary challenges of criminal law and criminal justice in Europe,
- the Anglo-American teaching method and, in particular, the method of teaching law modules 'in context',
- the critical analysis of important and complex issues in the domain of criminal law and criminal justice,
- the Socratic method.

**Metode poučevanja in učenja:**

Predavanja; druge oblike študija; samostojno delo

Predavanja so zasnovana interaktivno. Študentje se morajo na predavanja pripraviti (prehodno prebrati gradivo, ki jim bo posredovano) in pri njih aktivno sodelovati.

**Learning and teaching methods:**

Lectures; Others forms of study; Individual work

The course envisages an interactive teaching method. Students are expected to prepare for classes weekly by reading the material ahead of the class and to participate therein.

Delež (v %) /

Weight (in %) **Assessment:**

**Načini ocenjevanja:**

Načini (in deleži):

- pisni izpit z gradivom (60%)
- priprava in sodelovanje na predavanjih (10%)
- seminarska naloga (30%)

Types (and weights):

- Open-book written exam (60%)
- Coursework and participation in lectures (10%)
- Assignment (30%)

|  |  |   |
|--|--|---|
| <p>Študent/ka mora sodelovati pri vseh treh delih, ki se ocenjujejo; v nasprotnem primeru predmeta ne more uspešno opraviti.</p> |  | <p>The student is obliged to participate in all parts of the evaluation; otherwise, they will be declared 'failed' in this subject.</p> |
|--|--|---|

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

**Nina Peršak** je gostujoča profesorica na Pravni fakulteti Univerze v Ljubljani in redna profesorica za predmetno področje pravo Univerze v Mariboru (habilitacija). Diplomirala in doktorirala je iz prava na Univerzi v Ljubljani ter magistrirala iz prava (in kasneje tudi iz socialne in razvojne psihologije) na Univerzi v Cambridgu. Kot profesorica na Pravni fakulteti Univerze v Gentu je več let poučevala in raziskovala v Belgiji, v Sloveniji opravila državni pravniški izpit, kot docentka predavala in kot raziskovalka znanstveno sodelovala pri mnogih nacionalnih in mednarodnih raziskavah ter akademsko dlje časa gostovala na univerzah v Cambridgu, Helsinkih, Sofiji, na UC Berkeley in na Srednjeevropski univerzi (CEU) v Budimpešti. Prof. Peršak je ena izmed dveh glavnih urednikov mednarodne revije za kazensko pravo – International Review of Penal Law (RIDP), članica uredniških odborov različnih drugih mednarodnih revij iz področja kazenskega prava, človekovih pravic in viktimologije ter avtorica številnih monografij, poglavij in člankov, objavljenih pri priznanih mednarodnih znanstvenih revijah in založbah. Je tudi članica Ekspertne skupine Evropske komisije za EU kazenskopravno politiko ter vodja (Co-Director) Delovne skupine 'Enakost in kazensko pravosodje' Centra za primerjalno pravo enakopravnosti in varstva pred diskriminacijo Univerze UC Berkeley.

**Nina Peršak** is Visiting Professor of the Faculty of Law, University of Ljubljana and Full Professor of Law, University of Maribor (habilitation). She holds a B.A. and a doctorate in law from University of Ljubljana and an LL.M. (and later also an M.Phil. in social and developmental psychology) from University of Cambridge. She has worked for several years as a tenured professor at the Faculty of Law, Ghent University in Belgium, passed the State Law Exam, held professorial and research posts in Ljubljana as well as several visiting scholarships and fellowships at Cambridge, Helsinki, Sofia, UC Berkeley and at Central European University in Budapest. Prof. Peršak is Co-Editor-in-Chief of the International Review of Penal Law (RIDP), member of editorial boards of several other international journals in the area of criminal law, human rights and victimology, and the author of numerous monographs, chapters and articles, published by renowned international journals and scientific publishers. She is also Expert Member of the European Commission's Expert Group on EU Criminal Policy and Co-Director of the Working Group 'Equity and Criminal Justice' of the Berkeley Center on Comparative Equality & Anti-Discrimination Law, UC Berkeley.