UČNI NAČRT PREDMETA / COURSE SYLLABUS	
Predmet:	**Demokratična in pravna država**
Course title:	**Democracy and Rule of Law**

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Mednarodne in diplomatske študije – 2. stopnja		1	1
International and diplomatic studies – 2nd degree		1	1

Vrsta predmeta / Course type obvezni / mandatory

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
30	0	0	0	0	220	10

Nosilec predmeta / Lecturer: prof. dr. Peter Jambrek in prof. dr. Matej Avbelj

Jeziki / Languages:	**Predavanja / Lectures:**	Slovenski jezik /Slovenian, optional angleščina/english
	Vaje / Tutorial:	/

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:	Prerequisits:
Vpis v 1. letnik podiplomskega študija.	Enrollment in the 1st year of graduate study.

Vsebina: **Content (Syllabus outline):**

Predmet je nadaljevalna oblika dodiplomskega predmeta ustavno pravo. Njegov prvci cilj je študenta poglobljeno seznaniti s temeljnim pojmom ustavne demokracije kot seštevka demokracije in vladavine prava. Drugi cilj pa razviti sposobnost kritičnega vrednotenja stanja ustavne demokracije v Sloveniji ter razvoja lastnih ustvarjalnih idej za njegovo izboljšanje. Ker se predmet izvaja v okviru Jean Monnet katedre, projekta, ki ga sofinancira Evropska komisija, bodo vsi vsebinski sklopi predmeta posvečeni tudi analizi problematike pluralizma v Evropski uniji. Predmet je sestavljen iz 3 širokih vsebinskih sklopov: 1. Demokracija in vladavina prava 2. Konstitutivne pravice demokratične in pravne države 3. Krize ustavne demokracije in možne rešitve 4. Pluralizem v evropskem ustavnem prostoru in še posebej v EU	The course is an advanced version of undergraduate course on Constitutional Law. It has two principal objectives. First, to provide an in-depth knowledge of constitutional democracy as 'a paradoxical concept of contradictory principles: the rule of law and democracy'. Second, to foster the capacity of critical normative evaluation of the state of constitutional democracy in Slovenia and beyond, as well as developing of new creative ideas for the improvement of the current state of affairs. As the course is conducted as part of the Jean Monnet Chair, a project awarded and co-funded by the European Commission, the entire course will be pervaded by the focus on a problematique of pluralism in the European Union. The course consists of three major parts: 1. Democracy and the rule of law 2. Constitutive rights of democracy and the rule of law 3. Crisis of a constitutional democracy and possible solutions. 4. Pluralism in the European constitutional space, with a special focus on the European Union.

Temeljni literatura in viri / Readings:

1. Matej Avbelj (ur.), Komentar Ustave RS, Nova univerza, 2019.
2. Matej Avbelj, Jernej Letnar Černič, The Impact of European Institutions on the Rule of Law and Democracy: Slovenia and Beyond. Oxford, Hart (Bloomsbury), 2020.
3. Jernej Letnar Černič, Matej Avbelj, Marko Novak, Dejan Valentinčič, Reforma demokratične in pravne države v Sloveniji. 1. natis. Kranj: Nova univerza, Fakulteta za državne in evropske študije, cop. 2018.
4. Peter Jambrek, Nation's Transitions, European Faculty of Law, 2014.

Podrobnejša literatura in sodna praksa sta navedeni v syllabusu predmeta.

Cilji in kompetence:	Objectives and competences:
Študenti/ke bodo pridobili naslednje predmetno specifične kompetence: - poznavanje in razumevanje teoretičnih temeljev ustavne demokracije in vladavine prava; - poznavanje in razumevanje problematike pluralizma v evropskem ustavnem prostoru; - razumevanje pomembnosti uporabe ustavnih načel za delovanje demokratične in pravne države in razvoj sposobnosti dostopati do domače in tuje sodne prakse; - razumevanje in sposobnost uporabe temeljenjih vrednost slovenskega ustavnega reda (človekovo dostojanstvo, pluralizem, svoboda, enakost in solidarnost) v praksi; - sposobnost samostojnega in avtonomnega študijskega dela; - razvoj sposobnosti kritično analizirati pravne vire in pravna besedila; - kritična refleksija obstoječih pravnih virov in ocena njihove potrebnosti in kakovosti; - sposobnost uporabe načel pravne države, vladavine prava in ustavne demokracije v praksi; - sposobnost kritične strokovne razprave in analize o temeljnih pojmih, načelih in pravil ustavnega prava - razumevanje in sposobnost ocene kakovosti delovanja institucij demokratične in pravne države - sposobnost ustreznega navajanja domačih in mednarodnih pravnih virov, domače in mednarodne sodne prakse in elektronskih virov; **Študenti/ke bodo pridobili naslednje splošne kompetence:** - uporaba ustreznih metod pravnega raziskovanja, njihovih postopkov, analize in sinteze; - razvoj etičnih sposobnosti pri uresničevanju	**Students will gain the following subjects specific competences:** - knowledge and understanding of fundamental legal concepts, legal principles and rules of constitutional democracy; - knowledge and understanding of the problematique of pluralism in the European constitutional space; - understanding the importance of applying constitutional principles to the functioning of a constitutional democracy and developing the capacity to access domestic and foreign jurisprudence; - understanding and ability to apply the values of the Slovenian constitutional order (human dignity, pluralism, freedom, equality and solidarity) in practice; - ability to study independently and autonomously; - developing the ability to critically analyse legal sources and legal texts; - a critical reflection on existing legal sources and an assessment of their need and quality; - the application of concepts, principles and legal rules to the resolution of specific cases from constitutional law jurisprudence; - ability to critically discuss and professionally analyse the fundamental concepts, principles and rules of constitutional democracy; - understanding and ability to assess the quality of functioning of democratic and rule of law institutions; - ability to properly cite domestic and international legal sources, domestic and international jurisprudence and electronic resources; **Students will gain the following general competences:** - the use of appropriate methods of legal research, their procedures, analysis and

načel in pravil ustavne demokracije; - sposobnost skupinskega dela in pripravljenosti za sodelovanje pri reševanju konkretnih primerov s področja ustavne demokracije; - razvoj komunikacijskih sposobnosti in veščin pri razumevanju in uresničevanju ustavne demokracije; - razvoj veščin javnega nastopanja in predstavitev pri obravnavi institutov ustavne demokracije;	synthesis; - developing ethical skills in the implementation of the principles and rules of constitutional democracy; - ability to work together and be willing to work together to solve specific cases in the field of constitutional democracy; - development of communication skills and competences in the understanding and implementation of constitutional democracy; - developing public speaking and presentation skills when dealing with cases of constitutional democracy;

Predvideni študijski rezultati:	**Intended learning outcomes:**
Znanje in razumevanje: *Študent/študentka:* - Seznanitev študentov s teoretičnimi in praktičnimi temelji ustavne demokracije. - Spoznavanje ključne problematike sodobne ustavne demokracije v Sloveniji in v širšem evropskem prostoru. - Spoznavanje ključne problematike pluralizma v Sloveniji in širšem evropskem prostoru. - Sposobnost samostojnega razvoja ustvarjalnih rešitev za izboljšanje stanja ustavne demokracije. - Sposobnost razreševanja konkretnih ustavnopravnih problemov iz sodne prakse Ustavnega sodišča in ESČP.	Knowledge and understanding: - The student will understand the fundamental theoretical and practical isssues of constitutional democracy. - The student will understand the central problems of the contemporary constitutional democracy in Slovenia and the European constitutional space. - The student will understand the central problems of pluralism in Slovenia and beyond. - The student will be able to develop his/her own creative propositions towards the improvement of the state of constitutional democracy. - The student will be able to solve concrete constitutional law cases from the jurisprudence of the Constitutional Court and the ECtHR.

Metode poučevanja in učenja:	**Learning and teaching methods:**

Oblike dela:	**Types of learning/teaching:**
☒ Frontalna oblika poučevanja	☒ **Frontal** teaching
☒ Delo v manjših skupinah oz. v dvojicah	☒ Work in smaller groups or pair work
☒ Samostojno delo študentov	☒ Independent students work
☒ e-učenje	☒ e-learning
☐ drugo (vpišite) _____	☐ other _____
Metode (načini) dela:	**Teaching methods:**
☒ Razlaga	☒ Explanation
☒ Razgovor/ diskusija/debata	☒ Conversation/discussion/debate
☒ Delo z besedilom	☒ Work with texts
☒ Proučevanje primera	☒ Case studies
☒ Igra vlog	☒ Role-play
☒ Druge vrste nastopov študentov	☒ Different presentation
☒ Reševanje nalog	☒ Solving exercises
☐ Študijski obiski podjetij ipd.)	☐ Field work (e.g. company visits)
☒ Vključevanje gostov iz prakse	☒ Inviting guests from companies
☒ Udeležba na okrogli mizi, na konferenci	☒ Attending round table and conference

Načini ocenjevanja:	Delež (v %) / Weight (in %)	**Assessment:**
Način (pisni izpit, ustno izpraševanje, naloge, projekt)		Type (examination, oral, coursework, project):
Pisni izpit v razredu	**60%**	In-class written exam.
Take-home problemski izpit	**40%**	Take-home exam.

Pogoj za pristop k izpitu:

Vsaj 80% prisotnost na predavanjih in vajah.		At least 80% attendance at lectures and tutorials.

Reference nosilca / Lecturer's references:

Dr. Matej Avbelj je redni profesor za evropsko pravo na Fakulteti za državne in evropske študije in nosilec Jean Monnet katedre na Novi univerzi. Doktoriral je na Evropskem univerzitetnem inštitutu v Firencah, magistriral na NYU School of Law in diplomiral na Pravni fakulteti Univerze v Ljubljani. Kot sodniški pripravnik je služboval na Višjem sodišču v Ljubljani, praktične izkušnje pa je nabiral tudi v Evropskem parlamentu kot Robert Schuman stažist v oddelku za ustavne zadeve. Njegovo raziskovanje in akademsko delo je osredotočeno na pravo EU, ustavno pravo in teorijo prava. Aktiven je tudi v stanovskih akademskih in civilnodružbenih iniciativah tako doma kot po svetu. Njegova bibliografija je dostopna na: http://splet02.izum.si/cobiss/bibliography?code=31643&langbib=eng.

Matej Avbelj is a Full Professor of European Law at the Graduate School of Government and European Studies and a Jean Monnet Chair. He holds a PhD from the EUI and LLM from NYU

School of Law. He graduated from Ljubljana Law School. He clerked in the European Parliament and at the Slovenian Court of Appeals. His academic and research work is focused on the law of the European Union, constitutional law and legal theory. He is active in professional associations and NGOs in Slovenia and abroad. His bibliography can be accessed here: http://splet02.izum.si/cobiss/bibliography?code=31643&langbib=eng.

Peter Jambrek je profesor ustavnega prava. Njegova bibliografija je na voljo tu: http://izumbib.izum.si/bibliografije/Y20150407094547-A1729635.html
Peter Jambrek is a professor of constitutional law. His bibliography is available here: http://izumbib.izum.si/bibliografije/Y20150407094547-A1729635.html