

**ZNANSTVENA
KONFERENCA**
PRAVO IN MANAGEMENT
V POGOJIH DIGITALNEGA POSLOVANJA II

**SCIENTIFIC
CONFERENCE**
LAW AND MANAGEMENT
UNDER DIGITAL BUSINESS CONDITIONS II

ZBORNİK POVZETKOV
BOOK OF ABSTRACTS



FAKULTETA
ZA MANAGEMENT IN PRAVO
LJUBLJANA



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Ljubljana, 12. 1. 2023



ZBORNIK POVZETKOV ZNANSTVENE KONFERENCE PRAVO IN MANAGEMENT V POGOJIH DIGITALNEGA POSLOVANJA II

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Kazalo vsebine

NAGOVOR DEKANA / DEAN'S SPEECH 6 / 8

PROGRAM KONFERENCE 12

POVZETKI PRISPEVKOV / ABSTRACTS 14 / 15

Kako doseгati konkurenčno prednost v digitalni dobi –
kakšne so nove usmeritve? **16**

How to achieve competitive advantage in the digital age –
what are the new directions? **17**

Lidija Breznik

Digitalna prelomnica – Zakon o digitalnih trgih **18**

Digital tipping point – Digital Markets Act **19**

Boštjan J. Turk

Nezamenljivi žetoni in njihova pravna ureditev **20**

Non-fungible tokens and their legal regulation **21**

Julija Lapuh Bele

Digitalizacija prenosnega sistema električne energije
v luči temeljnih načel prava energetike **22**

Digitalization of the Transmission System
for Electrical Energy considering the Fundamental
Principles of Energy Law **23**

Luka Martin Tomažič

Pametne posojilne pogodbe **24**

Smart loan agreements **25**

Peter Žmak and Luigi Varanelli

Metoda triangulacije kot most med pravom in managementom:

preliminarni pogled **26**

The triangulation method as a bridge between law and management:
a preliminary view **27**

Marko Novak

Učenje in prenos znanja na delovnem mestu vzdolž
različnih generacij **28**

Learning and knowledge transfer in the workplace
across generations **29**

Danijela Brečko

Digitalno poučevanje **30**

Digital teaching **32**

Nana Weber

Pomen nadaljnjega izobraževanja in usposabljanja visokošolskih
učiteljev **34**

The importance of continuing education and professional
development for higher education teachers **35**

Natja Lavrič and Tatjana Devjak

Vpliv čustvene inteligentnosti managerjev na uspešnost
vodenja **36**

The impact of managers' emotional intelligence on management
performance **37**

Diana Marijanović and Danijela Brečko

PREDSTAVITVE AVTORJEV / AUTHORS 38 / 39

NAGOVOR DEKANA

DEAN'S SPEECH

Digitalizacija poslovnega procesa kot izziv in potreba



Spoštovane udeleženke in udeleženci druge znanstvene konference na temo Pravo in management v pogojih digitalnega poslovanja II na MLC Fakulteti za management in pravo Ljubljana.

Prva znanstvena konferenca na temo Pravo in management v pogojih digitalnega poslovanja, ki je potekala lani ob tem času, je s prispevki avtorjev teoretsko, empirično in aplikativno osvetlila proces digitalizacije oziroma pomen vpliva novih tehnologij na spreminjanje načinov delovanja na področju managementa in poslovnega prava. Z digitalizacijo poslovanja se spreminja poslovno in pravno okolje, v katerem so dejavniki in pogoji izvajanja funkcij managementa drugačni, spremembe in razvoj okolja pa razvoj tehnologij še pospešujejo. Z digitalizacijo poslovanja se oblikujejo novi poslovni modeli in pravne rešitve. Upam in želim si, da bo tudi letošnja konferenca na temo Pravo in management v pogojih digitalnega poslovanja II uspešna in inovativna – pri iskanju odgovorov na odprta vprašanja, ki jih s seboj prinaša digitalizacija poslovanja in poslovnega prava ter izobraževanja managerjev.

Za napredno delovanje v digitalnem poslovnem svetu si MLC Fakulteta za management in pravo Ljubljana prizadeva za razvoj interdisciplinarnega in meddisciplinarnega pristopa in povezovanja ter nadgradnjo dozdajšnje prakse pri reševanju poslovnih in pravnih problemov ter prenosu znanja v študijska in delovna okolja. Zahvaljujem se vsem, ki so prispevali k uspehu konference: vabljenima predavateljema red. prof. dr. Radu Bohincu

in red. prof. dr. Sinišu Zariću, vsem avtoricam in avtorjem prispevkov za zanimive in temeljite raziskave s področja prava managementa in izobraževanja, recenzentoma, lektorju in organizacijskemu odboru fakultete za vse delo, ki ni le pomembno izboljšalo kakovosti prispevkov na tej konferenci, temveč omogoča nadaljnjo rast raziskovalne pismenosti in kulture raziskovanja novih generacij raziskovalcev in študentov.

Ljubljana, januar 2023

Dekan: red. prof. dr. Srečko Devjak
MLC Fakulteta za management in pravo Ljubljana

Business process digitalisation as a necessity and challenge



Dear participants of the second scientific conference Law and management in terms of digital business operations II at the MLC Management and Law College Ljubljana!

The first scientific conference Law and management in terms of digital business operations took place this time of last year. By means of various theoretical, empirical and application-oriented articles, it shed light on the process of digitalisation and the influence of new technologies on changing ways of operation in fields of management and business law. Business digitalisation is changing the business and legal environment with varying factors and conditions of management functions implementation while the changes and the evolving environment accelerate the development of technologies even more. New business models and legal solutions accompany business digitalisation. I really hope that this edition of the conference Law and management in terms of digital business operations II proves to be successful and an innovation - in answering open questions, brought by the digitalisation of business, business law and manager education.

The MLC Ljubljana is striving to be an advanced actor in the digital business world and developing an interdisciplinary and cross-disciplinary approach to integrate and upgrade the current practices of solving business and legal problems while transferring knowledge in study and working environments. I am grateful to all who contributed to the success of this conference: lecturers red. prof. dr. Rado Bohinc, red. prof. dr. Siniša Zarić, all authors

of articles for insightful and thorough research work in law management and education, reviewers, the proofreader and the organizing committee of the College for all the work, which not only significantly raised the quality of articles at this conference but enabled a continuous increase in research literacy and culture of our new generation of students and researchers as well.

Ljubljana, January 2023

Dean, red. prof. dr. Srečko Devjak
MLC Management and Law College Ljubljana

PROGRAM KONFERENCA

**PRAVO IN MANAGEMENT
V POGOJIH DIGITALNEGA POSLOVANJA II
12. januar 2023 v živo in preko aplikacije ZOOM**

9:00 – 9.30 Registracija udeležencev

9.30 – 9.45 *red. prof. dr. Srečko Devjak*
Nagovor

Plenarna predavanja:

9.45 – 10.15 *Rado Bohinc*
Digitalizacija korporacijskega prava

10.15 – 10.45 *Siniša Zarić*
Managing company in a digital environment

10.45 – 11.00 Diskusija

Prispevki:

11.00 – 11.15 *Lidija Breznik*
Kako dosegati konkurenčno prednost v digitalni dobi –
kakšne so nove usmeritve?

11.15 – 11.30 *Boštjan J. Turk*
Digitalna prelomnica – Zakon o digitalnih trgih

11.30 – 11.45 *Julija Lapuh Bele*
Nezamenljivi žetoni in njihova pravna ureditev

11.45 – 12.00 *Luka Martin Tomažič*
Digitalizacija prenosnega sistema električne energije
v luči temeljnih načel prava energetike

12.00 – 12.15 *Peter Žmak in Luigi Varanelli*
Pametne posojilne pogodbe

12.15 – 12.30 Diskusija:

12.30 – 13.00 Odmor za kosilo

Prispevki:

13.00 – 13.15 *Marko Novak*

Metoda triangulacije kot most med pravom in managementom: preliminarni pogled

13.15 – 13.30 *Danijela Brečko*

Učenje in prenos znanja na delovnem mestu vzdolž različnih generacij

13.30 – 13.45 *Nana Weber*

Digitalno poučevanje

13.45 – 14.00 *Natja Lavrič in Tatjana Devjak*

Pomen nadaljnjega izobraževanja in usposabljanja visokošolskih učiteljev

14.00 – 14.15 *Diana Marijanovič in Danijela Brečko*

Vpliv čustvene inteligentnosti managerjev na uspešnost vodenja

14.15 – 14.30 Diskusija

14.30 – 15.00 Zaključek in sklepi

POVZETKI PRISPEVKOV

ABSTRACTS

Kako dosegati konkurenčno prednost v digitalni dobi – kakšne so nove usmeritve?

Lidija Breznik

Konkurenčna prednost je prevladujoč koncept v teoriji strateškega managementa z dolgo in s pestro zgodovino, hkrati pa je najvplivnejši mehanizem za razlago obstoja uspešnosti podjetij. V zadnjih letih so raziskave jasno pokazale, da se je povprečno obdobje, v katerem bi podjetja lahko dosegala in obdržala konkurenčno prednost, močno skrajšalo. Pojavni obliki doseganja konkurenčnosti/prednosti, ki temeljita na cenovni strategiji ali strategiji diferenciacije, sta bili osnovni usmeritvi. Njuna premišljena implementacija v poslovno strategijo podjetij je bistveno pripomogla k doseganju uspešnosti kot rezultatu konkurenčne prednosti. Zaradi izjemnega tehnološkega napredka, ki je poslovno okolje spremenil v hiperdinamično, se tradicionalno poslovanje spreminja v digitalno poslovanje, kar prinaša nove izzive in še hitrejšo dinamiko sprememb, to pa bistveno vpliva na dojetje konkurenčne prednosti. Teorija dinamičnih zmožnosti je zadnja, aktualna teorija preučevanja osnov konkurenčne prednosti in predpostavlja, da je doseganje dolgoročne konkurenčnosti v glavnem mogoče le na osnovi dinamičnih zmožnosti. Dinamične zmožnosti so sestav zmožnosti zaznavanja, prepoznavanja in preoblikovanja; v tem kontekstu morajo biti vgrajene v izbran poslovni model, če podjetja želijo uspešno nagovoriti spremembe v okolju. V prispevku podajamo ključna priporočila za uvajanje sprememb v poslovnih modelih z vidika dinamičnih zmožnosti, hkrati pa predstavimo ključne usmeritve in sposobnosti, ki so potrebne, da bi podjetja lahko razvijala močne dinamične zmožnosti in tako uresničevale zastavljeno poslovno strategijo.

Ključne besede: konkurenčna prednost, dinamične zmožnosti, digitalna doba, digitalizacija, poslovna strategija, poslovni model

How to achieve competitive advantage in the digital age – what are the new directions?

Lidija Breznik

Competitive advantage is a dominant concept in strategic management theory with a long and varied history, but it is also the most influential mechanism for explaining the existence of firm performance. In recent years, research has clearly shown that the average period during which companies could achieve and maintain a competitive advantage has been significantly reduced. The two forms of achieving competitiveness/value based on a pricing strategy or a differentiation strategy were the basic orientations. Their thoughtful implementation in companies' business strategy has contributed significantly to their performance because of competitive advantage. Due to the remarkable technological advances that have transformed the business environment into a hyper-dynamic one, traditional business is transforming into digital business, bringing new challenges and even faster dynamics of change, which have a significant impact on the perception of competitive advantage. Dynamic capabilities theory is the most recent, up-to-date theory studying the fundamentals of competitive advantage and assumes that achieving long-term competitiveness is mainly only possible based on dynamic capabilities. Dynamic capabilities are a composite of perception, recognition, and transformation capabilities; in this context, they need to be embedded in the chosen business model if companies are to successfully address changes in the environment. In this paper, we provide key recommendations for introducing changes in business models from a dynamic capabilities' perspective, while outlining the key orientations and capabilities needed for companies to develop strong dynamic capabilities to deliver on their business strategy.

Keywords: competitive advantage, dynamic capabilities, digital age, digitalisation, business strategy, business model

Digitalna prelomnica – Zakon o digitalnih trgih

Boštjan J. Turk

Digitalna prelomnica – Zakon o digitalnih trgih je prispevek, v katerem avtor analizira vpliv omenjenega zakona na delovanje spletnih platform, varstvo konkurence in na varstvo pravic uporabnikov na spletu ter odgovarja na vprašanje, v kakšni meri bo omenjeni zakon spremenil obnašanje velikih spletnih platform in kako bo to vplivalo na poštenost in odprtost spletnih trgov. Avtor se osredinja na posamezne zakonske rešitve v iskanju odgovora na vprašanje, kako bodo pravila, ki uvajajo enoten digitalni trg, prisilila vplivne platforme, da začnejo spoštovati pravice uporabnikov, predvsem potrošnikov.

Ključne besede: digitalna prelomnica, digitalne storitve, spletne platforme, spletni trgi, poštenost, konkurenca, enoten digitalni trg

Digital tipping point – Digital Markets Act

Boštjan J. Turk

Digital Tipping Point – Digital Markets Act is a paper in which the author analyses the impact of the Digital Markets Act on the functioning of online platforms, on the protection of competition and on the protection of users' rights online and answers the question to what extent the Digital Markets Act will change the behaviour of large online platforms and how this will affect the fairness and openness of online markets. The author focuses on specific legal solutions to answer the question of how the rules introducing a single digital market will force influential platforms to start respecting the rights of users, especially consumers.

Keywords: digital tipping point, digital services, online platforms, online markets, fairness, competition, single digital market

Nezamenljivi žetoni in njihova pravna ureditev

Julija Lapuh Bele

Nezamenljivi žetoni (ang. NFT – non-fungible tokens) so vrsta kriptosredstev. Širša javnost je nanje postala pozorna po medijskih objavah o prodajah dragih virtualnih zbirateljskih predmetov, ki so ena, a še zdaleč ne edina izmed oblik nezamenljivih žetonov. V prispevku prikazujemo uporabnost nezamenljivih žetonov, razloge za njihov tehnološki razvoj, kako jih kreiramo, kupimo ali prodamo, in zakonodajo, ki se nanje nanaša. Ugotovljamo, da je zakonodaja še v povojih. Trgovanje s kriptosredstvi bo na področju EU v naslednjih letih pravno regulirano, vendar pa nezamenljivi žetoni, ki so ena izmed oblik kriptoimetje, ne bodo povsem zajeti v Uredbi o trgih kriptosredstev.

Ključne besede: NFT, nezamenljivi žeton, kriptoimetje, blockchain, veriga blokov, zakonodaja

Non-fungible tokens and their legal regulation

Julija Lapuh Bele

Non-fungible tokens (NFT) are a type of crypto assets. They came to the attention of the public following media reports on the sale of expensive virtual collectibles, which are one, but by no means the only, form of non-fungible tokens. In this paper, we outline the usefulness of non-fungible tokens, the reasons for their technological development, how they are created, bought, or sold, and the legislation that applies to them. We note that the legislation is still in its infancy. Crypto assets trading will be regulated in the EU in the coming years, but non-fungible tokens, which are a form of crypto assets, will not be fully covered by the Crypto Markets Regulation.

Keywords: NFT, non-fungible token, crypto assets, blockchain, legislation

Digitalizacija prenosnega sistema električne energije v luči temeljnih načel prava energetike

Luka Martin Tomažič

Digitalizacija prenosnega sistema električne energije je ena izmed odgovornosti izvajalca gospodarske javne službe systemskega operaterja po Zakonu o oskrbi z električno energijo (ZOEE). V povezavi s tem je pomembno vprašanje, katerim merilom mora operater prenosnega sistema s svojim ravnanjem zadostiti, da to svojo obveznost tudi izpolni. Zaradi visoke stopnje nedoločnosti pojma digitalizacije, ob izostanku natančnejše regulacije, interpretacija vsebine pojma narekuje poglobljeno analizo temeljnih načel prava energetike. Med drugim bo zatrjevano, da pri tem obstaja razkorak med pristopom de lege lata in zahtevami de lege ferenda po kakovostnejših načinih reguliranja. Trenutna ureditev je namreč osredinjena na načelo stroškovne učinkovitosti, trajnostni razvoj pa narekuje upoštevanje načela uporabe najboljših razpoložljivih tehnologij kot sodobnejše regulatorne alternative.

Ključne besede: pravo energetike, digitalizacija prenosni sistem, pravna načela, elektrika, systemski operater, prenos električne energije

Digitalization of the Transmission System for Electrical Energy considering the Fundamental Principles of Energy Law

Luka Martin Tomažič

Digitalization of the electricity transmission system is one of the responsibilities of the public service provider of the system operator according to the Electricity Supply Act (ZOEE). An important question in this context is what criteria the transmission system operator must meet with its behavior in order to fulfill this obligation. Due to the high level of indeterminacy of the concept of digitalization, the interpretation of the content of the term in the absence of a more precise regulation requires an in-depth analysis of the basic principles of energy law. Among other things, it is argued that there is a gap between the *de lege lata* approach and the *de lege ferenda* approach, which requires more qualitative regulatory methods. Current regulation is focused on cost-efficiency, while sustainable development, as a more modern regulatory alternative, requires adherence to the principle of using the best available technologies.

Keywords: Energy Law; Digitalization; Transmission System; Legal Principles; Electricity; System Operator; Transmission of Electrical Energy

Pametne posojilne pogodbe

Peter Žmak in Luigi Varanelli

Avtorja v prispevku prvič v slovenski pravni literaturi obravnavata vprašanje pametnih posojilnih pogodb in njihovo umestitev v slovenskem sistemu obligacijskih razmerij. Po analizi koncepta pametne pogodbe na splošno avtorja obravnavata posojilno pogodbo in odgovarjata na številne dileme, ki utegnejo nastati pri njeni praktični uporabi. Glavno vprašanje, na katero avtorja odgovarjata pritrdilno, je, ali je pametna posojilna pogodba sploh pogodba v smislu določila 15. člena OZ. Sledijo številne pravne dileme, na katere avtorja skušata podati jasne in obrazložene odgovore s posebnim poudarkom na kršitvah pogodbenih obveznosti in na institutu spremenjenih okoliščin (*rebus sic stantibus*). Prispevek skleneta s paragrafom o kombinirani pametni posojilni pogodbi.

Ključne besede: pametna posojilna pogodba, pametna pogodba, kombinirana pametna posojilna pogodba, kršitev pogodbenih obveznosti, *rebus sic stantibus*

Smart loan agreements

Peter Žmak and Luigi Varanelli

In this paper, the authors discuss for the first time in the Slovenian legal literature the issue of smart loan agreements and their placement in the Slovenian system of contractual relations. After analysing the concept of the smart contract in general, the authors discuss the loan agreement and answer several dilemmas that may arise in its practical application. The main question, which the authors answer in the affirmative, is whether a smart loan agreement is a contract at all within the meaning of Article 15 of the OC. Several legal dilemmas follow, to which the authors attempt to provide clear and reasoned answers, with a particular focus on breaches of contractual obligations and on the institution of changed circumstances (*rebus sic stantibus*). The contribution concludes with a paragraph on a combined smart loan agreement.

Keywords: smart loan agreement, smart contract, combined smart loan agreement, breach of contract, *rebus sic stantibus*

Metoda triangulacije kot most med pravom in managementom: preliminarni pogled

Marko Novak

Triangulacija pomeni način določanja lege triangulacijske točke s pomočjo trikotniških pravil (lat. triangulum trikot) in dveh točk z znanimi koordinatama. Čeprav gre izvirno za pojem iz geodezije, je v prenesenem pomenu pomemben tudi za znanstveno raziskovanje v družboslovju. Omogoča nam oblikovati stičišče, presečišče, skupni imenovalcec ter s tem celovitejši in globlji vpogled pri preučevanju določenega raziskovalnega problema, še posebej takrat, ko uporabljamo kombinacijo različnih virov podatkov, raziskovalcev, teorij, metod in disciplin.

Kot posebna integracijska metoda je triangulacija lahko uporabna v okviru raziskovanja znotraj ene znanstvene discipline, še posebej pa je uporabna pri interdisciplinarnem raziskovanju, kakršno je na primer področje managementa in prava. V tem pogledu je treba izdelati posebno metodologijo, kako po posameznih korakih zagotoviti čim bolj verodostojno triangulacijo takšnega interdisciplinarnega področja v smislu čim večje objektivizacije tovrstnega raziskovalnega procesa.

V znanstvenoraziskovanem procesu je preučevanje (ang. discovery ali odkrivanje) izbranega problema po postopkih triangulacije samo prvi del tega procesa, ki mu nujno sledi tudi utemeljevanje (ang. justification) rezultatov, kar navadno imenujemo znanstvena argumentacija. Na področju interdisciplinarnih študij, kot sta na primer pravo in management, so izzivi še posebni, ko govorimo o pravno-poslovni ali pravno-managerski argumentaciji.

Ključne besede: triangulacija, metode znanstvenega raziskovanja, argumentacija v znanosti, management in pravo

The triangulation method as a bridge between law and management: a preliminary view

Marko Novak

Triangulation is a way of determining the position of a triangulation point using triangular rules (lat. *triangulum* triangle) and two points with known coordinates. Although originally a geodetic concept, it is also figuratively relevant to scientific research in the social sciences. It allows us to create a meeting point, an intersection, a common denominator, and thus a more comprehensive and deeper insight when studying a particular research problem, especially when using a combination of different data sources, researchers, theories, methods, and disciplines.

As a specific integrative method, triangulation can be useful in the context of research within a single scientific discipline, but it is particularly useful in interdisciplinary research, such as in the field of management and law. In this respect, a specific step-by-step methodology needs to be developed to ensure the most credible triangulation of such an interdisciplinary field in order to objectify this type of research process as much as possible.

In the scientific research process, discovery of the chosen problem by triangulation is only the first part of the process, which is necessarily followed by justification of the results, usually referred to as scientific argumentation. In the field of interdisciplinary studies, such as law and management, the challenges are particularly acute when it comes to legal-business or legal-managerial argumentation.

Keywords: triangulation, scientific research methods, argumentation in science, management and law

Učenje in prenos znanja na delovnem mestu vzdolž različnih generacij

Danijela Brečko

V današnjem svetu so na delovnem mestu vključene štiri različne generacije, ki skupaj delajo in se učijo. Te generacije – »baby boom«, generacija X, generacija Y in generacija Z, pa so odraščale v zelo različnih družbenih okvirih, kar je pomembno vplivalo na njihove vrednote, specifično vedenje in odnos do učenja na delovnem mestu. Članek se osredinja na izziv učenja in deljenja znanja med zaposlenimi v izobraževalnih organizacijah v različnih starostnih skupinah. Naredili smo pregled literature za opredelitev starostnih skupin ter metod in načinov učenja na delovnem mestu. V raziskavi smo skušali ugotoviti, ali obstajajo razlike v motivih za učenje na delovnem mestu ter v uporabi različnih metod učenja in prenosa znanja med generacijami zaposlenih v sedmih izobraževalnih organizacijah. Za zbiranje podatkov o raziskovalnem fenomenu je bila izbrana kvantitativna primerjalna metoda. Raziskovalni vprašalnik je izpolnilo 158 zaposlenih iz sedmih izbranih slovenskih izobraževalnih organizacij. Rezultati kažejo, da sta najizrazitejša motiva za učenje osebni razvoj in reševanje problemov, vendar je generacija Z na splošno manj motivirana za učenje na delovnem mestu kot druge generacije. Vse generacije se najpogosteje poslužujejo samostojnega učenja prek interneta, najmanj pogosto uporabljena metoda pa je coaching. Raziskava je tudi pokazala, da obstaja statistično pomembna povezava med doseženo stopnjo formalne izobrazbe in uporabo učnih metod na delovnem mestu pa tudi povezava med motivi in doseženo stopnjo formalne izobrazbe.

Ključne besede: generacije na delovnem mestu, metode učenja pri delu, prenos znanja v delovnem okolju, motivi za učenje

Learning and knowledge transfer in the workplace across generations

Danijela Brečko

In today's world, the workplace involves four different generations working and learning together. These generations, the baby boomers, Generation X, Generation Y, and Generation Z, have grown up in very different social contexts, which has had a significant impact on their values, specific behaviours, and attitudes towards work-based learning. This paper focuses on the challenge of learning and knowledge sharing among employees in educational organisations in different age groups. A literature review was carried out to identify the age groups and the methods and modes of work-based learning. The study sought to find out whether there are differences in motives for learning at work and in the use of different methods of learning and knowledge transfer between generations of employees in seven educational organisations. A quantitative comparative method was chosen to collect data on the research phenomenon. The survey questionnaire was completed by 158 employees from seven selected Slovenian educational organisations. The results show that personal development and problem solving are the most prominent motivations for learning, but Generation Z is generally less motivated to work-based learning than other generations. Self-learning via the internet is the most common method used by all generations, while coaching is the least commonly used. The study also showed that there is a statistically significant relationship between the level of formal education attained and the use of learning methods in the workplace, as well as a relationship between motives and the level of formal education attained.

Keywords: generations at work, work-based learning methods, knowledge transfer in the workplace, motives for learning

Digitalno poučevanje

Nana Weber

Pandemija virusa SARS-CoV-2 oziroma bolezni covid-19 je nedvomno prinesla globalno revolucijo na področju poučevanja. Pouk se je iz učilnic preselil na splet. To pomeni, da poteka komunikacija med učitelji in učenci na daljavo in prek digitalnih platform. V prispevku avtorica preučuje nov pojav digitalnega poučevanja, ki ga bo treba v prihodnje pravno uokviriti. Treba bo sprejeti nove pravne podlage ter z notranjimi akti podrobneje urediti zlasti določene vidike posredovanja, prejema in varovanja podatkov (s poudarkom na varstvu osebnih podatkov) ter vidike v povezavi z intelektualno lastnino. Prav tako bo treba sprejeti interne pravne akte, ki bodo urejali komunikacijo, ter pravice in dolžnosti, ki izvirajo iz digitalnega poučevanja (npr. obvezna uporaba vizualne komunikacije pri izpitih). Obseg urejanja je seveda odvisen od obsega digitalne interakcije in uporabe različnih digitalnih orodij ter funkcionalnosti digitalnih platform za poučevanje.

Spremembe so nujne zaradi učinka svetovnega spleta, še posebej na mlajše generacije, pa tudi zaradi poplave številnih informacij, dokumentov in virov. V prvi vrsti je treba razmisliti o obveznih tečajih uporabe, prednosti in nevarnosti spleta ter varovanja osebnih podatkov s poudarkom na najmlajših, nadalje tudi uvajanja v varno uporabo platform in drugih digitalnih orodij, ki se bodo uporabljala pri digitalnem poučevanju. Za obvladovanje velikih in vedno večjih količin podatkov, preverjanja pristnosti izdelkov učencev in študentov ter uporabe kakovostnih spletnih virov se bodo neizbežno uporabljala orodja umetne inteligence, ki bodo morala biti najprej skladna s prihajajočo EU-zakonodajo. Pri uporabi teh orodij je treba zagotoviti človeški nadzor, kadar gre lahko za vpliv na pravice in obveznosti posameznika, pri čemer morajo biti vključeni tudi pritožbeni mehanizmi.

Da posameznik ostane v stiku s svojo stroko, bo treba uporabiti več orodij umetne inteligence. S porastom uporabe orodij, ki vključujejo tehnike umetne inteligence, bo potrebne več izobraževanja in uvajanja v uporabo

teh orodij, zlasti s poudarkom na nevarnostih uporabe teh orodij za posameznika – za učence in tudi učitelje. Veljalo bi razmisliti tudi o posebni strokovni skupini, ki bi za različne namene izobraževanja preverjala in predlagala mogoča orodja, ki bi bila najprimernejša za uporabo.

Ključne besede: digitalno izobraževanje, e-poučevanje, virtualna učilnica, virtualna univerza, pouk na daljavo

Digital teaching

Nana Weber

The SARS-CoV-2 or COVID -19 pandemic has undoubtedly revolutionised teaching worldwide. Classrooms have moved online. This means that communication between teachers and students takes place remotely and through digital platforms.

The author examines the new phenomenon of digital teaching, which will need to be legally regulated in the future. In addition, new legal bases will have to be adopted and internal legal acts will have to be enacted to regulate in detail, in particular, certain aspects of the transmission, reception and, above all, protection of data (with an emphasis on the protection of personal data), as well as aspects related to intellectual property. Internal legal acts will also need to be adopted to regulate communications and the rights and obligations arising from digital teaching (e.g., mandatory use of visual communication in examinations). The extent of regulation will of course depend on the scope of digital interaction and the use of the various digital tools and functionalities of digital teaching platforms.

Because of the impact that the Internet and smartphones have, especially on young people, and because of the flood of information, documents, and resources, changes are necessary. First and foremost, mandatory courses on the use, benefits, and dangers of the Internet and the protection of personal data should be considered, with a focus on the youngest learners, as well as an introduction to the safe use of platforms and other digital tools used in digital education. Artificial intelligence tools will inevitably be used to manage large and growing amounts of data, authenticate pupils' and students' products, and leverage high- quality online resources, and they must first comply with upcoming EU legislation. The use of these tools will need to be subject to human oversight where it may affect the rights and responsibilities of individuals, and will need to include complaint mechanisms.

More AI tools are needed to keep individuals in touch with their profession. As the use of tools that incorporate AI techniques increases, more education and introduction to the use of these tools is needed, for both students and teachers, with a focus on the dangers of using these tools for individuals. Consideration should also be given to establishing a dedicated group of experts to investigate examine and suggest possible tools that would be most appropriate for various educational purposes.

Keywords: digital education, e-learning, virtual classroom, virtual university, distance learning

Pomen nadaljnjega izobraževanja in usposabljanja visokošolskih učiteljev

Natja Lavrič in Tatjana Devjak

Pravica do izobraževanja spada med temeljne človekove pravice in svoboščine ter je določena v številnih mednarodnih pravnih aktih. Pravica do izobraževanja visokošolskih učiteljev v slovenski zakonodaji ni posebej urejena in je primerljiva (splošni) pravici do izobraževanja delavcev skladno z Zakonom o delovnih razmerjih (ZDR-1). Pandemija covid-19 je prinesla veliko sprememb na vseh področjih družbenega življenja, tako tudi pri delu visokošolskih učiteljev. Novi pogoji so zahtevali tudi prilagoditev opravljanja dela visokošolskih učiteljev ter od njih zahtevali novo znanje in nove spretnosti na področju poučevanja. Namen našega prispevka je ugotoviti, kakšna so stališča visokošolskih učiteljev v zasebnih visokošolskih ustanovah o nadaljnem izobraževanju in usposabljanju, zakaj je to pomembno ter kako vpliva na njihov profesionalni razvoj in kakovost pedagoškega dela. Predvidamo, da visokošolski učitelji zaradi vsakodnevnega zelo dinamičnega in spremenljivega delovnega okolja ter kompleksnosti svojega dela na strokovnem, profesionalnem in na pedagoško-didaktičnem polju potrebujejo profesionalno in osebno rast, potrebe po dodatnem znanju in kompetencah pa narekujejo tempo in trend nadaljnjega izobraževanja in vseživljenjskega učenja.

Ključne besede: pravica do izobraževanja, pravna regulativa, profesionalni razvoj, izobraževanje in usposabljanje, visokošolski prostor, visokošolski učitelji

The importance of continuing education and professional development for higher education teachers

Natja Lavrič and Tatjana Devjak

The right to education is a fundamental human right and is enshrined in several international legal instruments. The right to education of higher education teachers is not specifically regulated in Slovenian legislation and is comparable to the (general) right to education of employees under Employment Relationships Act (ZDR-1). The covid-19 pandemic has brought many changes in all areas of social life, including the work of higher education teachers. The new conditions also required an adjustment in the way higher education teachers carry out their work, requiring new knowledge and new teaching skills. The aim of our paper is to find out what are the views of higher education teachers in private and public higher education institutions on further education and professional training, why is it important and how does it affect their professional development and the quality of their teaching work. We assume that higher education teachers need professional and personal growth due to the daily highly dynamic and changing working environment and the complexity of their work in the professional and pedagogical-didactic fields, and that the need for additional knowledge and competences dictates the pace and trend of further education and lifelong learning.

Keywords: right to education, legal regulation, professional development, education and professional development, higher education environment, higher education teachers

Vpliv čustvene inteligentnosti managerjev na uspešnost vodenja

Diana Marijanović in Danijela Brečko

Ljudje opravljamo svoje delo s pomočjo dveh vrst uma, tj. racionalnega, ki obdeluje podatke iz okolja ter logično sklepa in analizira, ter čustvenega, ki je precej bolj nagonski in nepremišljen. Uma sicer delujeta povezano, vendar ima razvitost čustvenega uma oz. čustvena inteligentnost pri tem procesu pomembno vlogo. Pomaga nam, da se zavedamo lastnih občutkov, in pripomore k samokontroli čustvenih odzivov. Vsakodnevne situacije in ovire pri delu, v katerih se zaposleni znajdejo, od vodij zahtevajo, da se ustrezno odzovejo na čustvene odzive zaposlenih. V takih okoliščinah pridejo do izraza veščine in lastnosti, ki se pri iskanju kompetentnega vodje pogosto spregledajo, saj za merila dobrega managerja še vedno prevladujejo lastnosti in sposobnosti, kot so: analitično razmišljanje, odločnost, pogum in tekmovalnost. V prispevku raziskujemo področje vodenja in čustvene inteligentnosti. Na podlagi študija literature smo si zastavili štiri raziskovalne hipoteze, s katerimi smo preverjali povezanost čustvene inteligentnosti managerjev z uspešnostjo vodenja, pri čemer smo preučevali zadovoljstvo in motiviranost zaposlenih, vertikalno komunikacijo in vodjev način reševanja konfliktov. Ugotovili smo, da obstaja statistično pomembna povezava med čustveno inteligentnostjo vodje in zadovoljstvom podrejenih, medtem ko med čustveno inteligentnostjo vodje in motiviranostjo zaposlenih nismo zaznali statistično pomembnih povezav. Prav tako smo ugotovili, da vodjev način reševanja konfliktov ni odvisen od stopnje njegove čustvene inteligentnosti. Statistično pomembnih povezav tudi nismo odkrili med čustveno inteligentnostjo vodje in vertikalno komunikacijo.

Ključne besede: čustvena inteligentnost, vodenje, kompetence, manager

The impact of managers' emotional intelligence on management performance

Diana Marijanović and Danijela Brečko

People do our work with two kinds of mind: the rational mind, which processes information from the environment and makes logical inferences and analyses, and the emotional mind, which is much more instinctive and unthinking. While the two minds work in tandem, the development of the emotional mind, or emotional intelligence, plays an important role in this process. It helps us to be aware of our own feelings and helps us to self-control our emotional responses. The everyday situations and obstacles that employees find themselves in at work require managers to respond appropriately to employees' emotional reactions. In such circumstances, skills and qualities that are often overlooked in the search for a competent manager come to the fore, as the criteria for a good manager are still dominated by qualities and abilities such as: analytical thinking, decisiveness, courage and competitiveness. This paper explores the field of leadership and emotional intelligence. Based on the literature study, we set four research hypotheses to test the relationship between managers' emotional intelligence and leadership performance, examining employee satisfaction and motivation, vertical communication, and the manager's approach to conflict resolution. We found that there is a statistically significant relationship between the emotional intelligence of the manager and the satisfaction of subordinates, while no statistically significant relationship was found between the emotional intelligence of the manager and the motivation of employees. We also found that a leader's conflict resolution style does not depend on his or her level of emotional intelligence. We also found no statistically significant correlation between the emotional intelligence of the leader and vertical communication.

Keywords: emotional intelligence, leadership, competences, manager

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Viš. pred. mag. Boštjan J. Turk je zaposlen na Inštitutu za civilno in gospodarsko pravo ter na Fakulteti za management in pravo v Ljubljani. Na tej fakulteti je višji predavatelj s področja prava in je nosilec predmetov nepremičninsko pravo, internetno pravo in potrošniško pravo. Magistriral je na ljubljanski Pravni fakulteti in je diplomant Londonske gospodarske zbornice s področja marketinga in odnosov z javnostmi. Je avtor skoraj 50 knjig, priročnikov in komentarjev zakonov ter avtor številnih znanstvenih in strokovnih člankov s področij nepremičninskega, potrošniškega, bančnega, gospodarskega in internetnega prava. Je tudi gostujoči predavatelj na številnih uglednih tujih univerzah (na Jagiellonski univerzi v Krakovu na Poljskem in na Univerzi Fontys v Eindhovnu na Nizozemskem).

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Doc. dr. Luka Martin Tomažič je docent za področje prava na Alma Mater Europaea ECM. Po izobrazbi je doktor pravnih znanosti, Master of Laws (London, ZK), magister ekonomskih in poslovnih ved, univerzitetni diplomirani pravnik. Opravljeni ima specializaciji iz mednarodnih odnosov na University of London in lokalne zgodovine na University of Oxford. V preteklosti je med drugim deloval kot vodja pravne službe v velikem energetske podjetju in kot raziskovalni asistent profesorja dr. Ernesta Petriča pri Komisiji OZN za mednarodno pravo. Njegovi primarni raziskovalni področji sta pravo energetike in teorija prava. Na področju prava energetike je specializiran za pravno ureditev elektroenergetskega sistema. Na pravnoteoretskem področju se ukvarja zlasti s pravno argumentacijo in z naravnim pravom. Je avtor več člankov v visokorangiranih znanstvenih revijah. Napisal je dve znanstveni monografiji s področja argumentacije. Je sourednik monografije Prekrškovno pravo energetike in dveh obsežnejših del v nastajanju, in sicer Komentarja Zakona o oskrbi z električno energijo ter knjige Filozofija in kazensko pravo.

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Doc. dr. Luigi Varanelli je leta 1998 v Trstu diplomiral iz prava. Na Pravni fakulteti Univerze v Ljubljani je leta 2002 dosegel naslov magistra, leta 2004 pa doktorja pravnih znanosti. Leta 2013 je v Trstu diplomiral tudi iz psihologije. Raziskuje in obravnava različne tematike obligacijskega prava, specializiral pa se je predvsem za področje pogodbenega prava. V domačih in tujih strokovnih revijah je objavil več kot 170 člankov in prispevkov, v katerih obravnava različne vidike obligacijskih razmerij. V središču njegovega akademskega zanimanja so tudi posamezni segmenti gospodarskega in statusnega prava. Intenzivneje se ukvarja še z mednarodnim in evropskim pravom. V okviru združenja INSOL Europe je predaval na več mednarodnih strokovnih konferencah, s svojimi znanstvenimi prispevki pa sodeluje tudi kot predavatelj na domačih izobraževalnih dogodkih. Leta 2005 ga je Ministrstvo za pravosodje imenovalo za člana izpitne komisije za pravniški državni izpit (področje gospodarsko pravo). Je tudi član izpitne komisije za sodne tolmače (2013). Od leta 2004 deluje kot odvetnik v Ljubljani. Pridobil je kvalifikacije odvetnik specialist za evropsko pravo in arbiter Gospodarske zbornice Slovenije. Od leta 2014 predava kot docent na Fakulteti za management in pravo (MLC) v Ljubljani na področju obligacij in pogodb ter korporacijskega prava; od leta 2022 je docent na področju alternativnega reševanja sporov ter psihologije za pravnike pri Evropski pravni fakulteti Nove Univerze.

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Red. prof. dr. Marko Novak je redni profesor za filozofijo in teorijo prava ter ustavno pravo na Evropski pravni fakulteti Nove univerze ter Fakulteti za management in pravo (MLC). Na Pravni fakulteti Univerze v Ljubljani je diplomiral leta 1992. Magistriral je leta 1994 na Georgetown University Law Center v Washingtonu, D. C., ZDA, doktoriral pa na Pravni fakulteti Univerze v Ljubljani leta 2001. Bil je predsednik Sodnega sveta Republike Slovenije in član izvršnega odbora Evropske mreže sodnih svetov (ENCJ), dekan Evropske pravne fakultete in prorektor Nove univerze, član Sveta Nakvis in član državne komisije za podelitev Zoisovih nagrad. Je avtor številnih znanstvenih monografij in člankov doma in v tujini pa tudi vodja različnih raziskovalnih projektov. Je tudi sodni tolmač za angleški jezik in trenutno predseduje pritožbeni komisiji Nakvis.

Red. prof. dr. Marko Novak is a professor of philosophy, legal theory and constitutional law at Nova univerza, European Faculty of Law and MLC Ljubljana. He graduated at the Faculty of Law, University of Ljubljana, in 1992. He graduated in 1994 at the Georgetown University Law Center in Washington, D. C., USA and received a PhD at the Faculty of Law, University of Ljubljana, in 2001. He was the president of the Slovenian National Judicial Council and a member of the Executive Committee of European Network of Councils (ENCJ), Dean of the European Faculty of Law and Vice-Rector of the New University, member of the Council of the Slovenian Quality Assurance Agency in Higher Education (SQAA) and member of the State Awards in Science Selection Committee. He has authored a number of scientific monographs and papers in Slovenia and abroad and chaired several scientific research projects. He is also a court interpreter for English, and the current president of the SQAA Appeals Committee.

Doc. dr. Danijela Brečko je od leta 2014 izvršna direktorica v družbi Sofos, tj. na Inštitutu za upravljanje znanja in razvoj talentov. Doktorirala je na Univerzi v Ljubljani (Filozofska fakulteta), kjer je predhodno magistrirala iz osebnega razvoja odraslih. Je docentka za management na MLC Ljubljana – Fakulteti za management in pravo ter docentka za izobraževanje in upravljanje s človeškimi viri na Doba Fakulteti. Njene raziskave se osredinjajo predvsem na vodenje in upravljanje s človeškimi viri. Sodeluje v mednarodnem raziskovalnem projektu z raziskovalci iz EMCC Global, Atinerjem iz Grčije, Inštitutom za kadrovske zadeve, Praga. Od leta 2016 vodi nacionalni projekt Organizacijska energija, v katerem koordinira 16 razvojnih partnerjev.

Doc. dr. Danijela Brečko has been the Executive Director of Sofos, Institute for Knowledge Management and Talent Development, since 2014. She received her PhD at the University of Ljubljana (Faculty of Arts) where she also completed her Master's degree in Adult Personal Development. She is an assistant professor of Management at MLC Ljubljana and an assistant professor of Education and Human Resource Management at Doba Faculty. Her studies focus primarily on leadership and human resource management. She participated in the following international research projects: EMCC Global, Atiner (Greece) and HR Institute (Prague). Since 2016, she has been the head of a national project Organisational energy, where she coordinates 16 development partners. ID Orcid: <https://orcid.org/0000-0003-0221-606X>.

Doc. dr. Nana Weber je odvetnica, profesorica glasbe ter docentka za civilno in gospodarsko pravo na Evropski pravni fakulteti, docentka za delovno pravo na MLC Fakulteti za management in pravo Ljubljana ter docentka za poslovne vede na B2 Visoki šoli za poslovne vede. Ker si vedno prizadeva za mirno rešitev sporov, je mediatorica v Mediacijskem centru Ljubljana, pri Odvetniški zbornici Slovenije ter na Ministrstvu za delo, družino, socialne zadeve in enake možnosti; je tudi izvajalka zunajsodnega reševanja potrošniških sporov pri Ministrstvu za gospodarski razvoj in tehnologijo. Je članica državne izpitne komisije za pravniški državni izpit za področje civilnega materialnega in procesnega prava. Piše strokovne in znanstvene članke z različnih pravnih področij. Med drugim je ena izmed avtoric Družinskega zakonika (Uradni list, 2019), avtorica uvodnih pojasnil Družinskega zakonika (GV Založba, Lexpera, 2018) ter avtorica zbirke Vprašanja in odgovori iz delovnega prava (GV Založba, Lexpera), v okviru katere sta do zdaj izšli knjigi Prenehanje pogodbe o zaposlitvi (2020) in Ko delavca ni na delu (Dopust, regres in druge odsotnosti z dela, 2021).

Doc. dr. Nana Weber is a lawyer, music teacher and an associate professor of Civil and Commercial Law at the European faculty of law, an associate professor of labour law at MLC Ljubljana and an associate professor of Business sciences at the B2 School of Business in Ljubljana. Always striving for peaceful resolution of disputes, she works as a mediator for the Ljubljana Mediation Centre, for the Bar Association of Slovenia and the Ministry of Labour, Family, Social Affairs and Equal Opportunities of Slovenia, as well as for the Ministry of Economic Development and Technology of Slovenia in the out-of-court settlements of consumer disputes. She is also a member of the National board of Law Examination for civil, material, and procedural law. She regularly writes professional and scientific papers in various fields of law. She is also one of the authors of the Slovenian Family Code (Official Gazette, 2019). She has written the introductory notes of the Family Code (GV Založba, Lexpera, 2018) and a collection of “Questions and Answers in Labour Law” (GV Založba, Lexpera), consisting of the book “Termination of Employment Contract” (2020) and “When the Employee is Absent (leaves, grants, and other absences from work (2021))”.

Natja Lavrič, univ. dipl. prav., je zaposlena na MLC Ljubljana, in sicer na mestu tajnika fakultete. Diplomirala je na Pravni fakulteti Univerze v Ljubljani s temo s področja mednarodnega javnega prava. Na MLC Ljubljana je tudi predsednica Komisije za kakovost; skrbi za kakovostno izvedene postopke v študijskem in raziskovalnem procesu. Od leta 2019 je izvoljena v naziv predavateljice za področje prava; v tej vlogi usmerja študente tudi v okviru raziskovalnega dela kot pripravo na udeležbo na vsakoletni mednarodni konferenci v soorganizaciji Inštituta Atiner iz Aten in MLC Ljubljana. V okviru te konference je v letu 2021 prvič vodila mednarodno on-line Študentsko sekcijo.

Natja Lavrič, univ. dipl. prav. works as a Secretary General at MLC Ljubljana. She graduated at the Faculty of Law, University of Ljubljana, in international public law. She also heads the MLC Ljubljana Quality Committee and takes care of the high-quality implementation of study and research processes. In 2019, she was elected as a Lecturer in the field of law where she also guides students as part of her research work and preparation for the annual international conference, co-organised by the ATINER Institute from Athens and the MLC Ljubljana. At the 2021 conference, she led the international online student section for the first time.

Red. prof. dr. Tatjana Devjak je zaposlena na Pedagoški fakulteti Univerze v Ljubljani. Je profesorica za področje pedagogike. Magistrirala in doktorirala je s področja etične in državljske vzgoje. Je avtorica knjig, učbenikov, priročnikov, delovnih zvezkov ter znanstvenih in strokovnih prispevkov s področja izobraževanja, etične, državljske in predšolske vzgoje, s področja nadaljnega izobraževanja in usposabljanja strokovnih delavcev v vzgoji in izobraževanju; objavlja v revijah, monografijah in v drugih publikacijah doma in v tujini. Svoje delo je predstavljala na številnih domačih in mednarodnih znanstvenih srečanjih in konferencah. Je nosilka ter izvajalka tujih in domačih raziskovalnih projektov ter projektov evropskega socialnega sklada.

Red. prof. dr. Tatjana Devjak works at the Faculty of Education in Ljubljana. She is a professor of pedagogy and the head of the Department of Basic Pedagogical Studies. She received her Master's degree and PhD in Ethics and Citizenship Education. She is the author of books, textbooks, handbooks, workbooks, scientific and expert contributions in education, ethics, citizenship, and preschool education, advanced education, and training of professionals in education and training, in journals, monographs and other publications in Slovenia and worldwide. Her work has been presented in numerous local and international scientific meetings and conferences. In addition to European Social Fund projects, she leads and implements foreign and local research projects.

Diana Marijanović, mag. managementa in poslovnega prava, je zaposlena v podjetju Snežnik, d. o. o., v katerem opravlja delo v kadrovski službi. Svoj naziv je pridobila leta 2022 na Fakulteti za management in pravo v Ljubljani. Njeno raziskovalno delo, ki je bilo opravljeno v okviru magistrskega dela, se osredinja predvsem na čustveno inteligentnost in management.

Diana Marijanović, mag. managementa in poslovnega prava, is an employee of Snežnik, d.o.o., where she works in the HR department. She received her degree in 2022, at MLC Ljubljana. Her research work, which was carried out as part of her Master's thesis, focuses mainly on emotional intelligence and management.



