



I. SEMESTER

RESEARCH METHODS

Lecturer:

Red. prof. dr. Majda Bastič, red. prof. dr. Marko Novak

Content (Syllabus outline):

1. RESEARCH AND RESEARCH PROCESS;
2. PROBLEM FORMULATION;
3. FORMULATING THE RESEARCH DESIGN;
4. CONSTRUCTING A RESEARCH INSTRUMENT FOR DATA COLLECTING;
5. SAMPLE STRATEGIES;
6. UNIVARIATE AND BIVARIATE STATISTICAL METHODS;
7. INTERPRETATION OF RESULTS;
8. WRITING A RESEARCH REPORT;
9. METHODS OF SCIENTIFIC RESEARCH IN LAW: NORMATIVE-DOGMATIC METHOD, SOCIOLOGICAL METHOD, HISTORICAL METHOD, COMPARATIVE-LAW METHOD, AXIOLOGICAL METHOD, INTEGRAL METHOD, CONCEPTUAL ANALYSIS, ECONOMIC ANALYSIS IN LAW.

Readings:

Obligatory Readings

- Kumar, R., 2005. Research methodology: a step-by-step guide for beginners. London: SAGE available: <https://vdoc.pub/documents/research-methodology-a-step-by-step-guide-forbeginners-2nd-edition-2jl9noql8un0>, 24.5.2022
- Bastič M. Lecture material, 2022.
- Watkins, D., Burton, M. (ed.), 2017. Research Methods in Law. Routledge.
- Van Hoecke, M., 2011. Methodologies of Legal Research: Which Kind of Method for What Kind of Discipline. Hart Publishing.

Additional Readings

- McConville, M., Hong Chui, W., 2007. Research Methods for Law. Edinburgh University Press.
- Saunders, M., Lewis, P., Thornhill, A. , 2009. Research Methods for Buisness Students, Fifth edition. Harlow : FT Prentice Hall. Razpoložljivo:

http://doha.ac.mu/ebooks/Research%20Methods/ResearchMethodsForBusinessStudents_Saunders.pdf, 25. 6. 2014

- Sue Greener, 2008. Business research methods. Bookboon.com. Razpoložljivo: <http://finddoc.blog.com/files/2010/08/introduction-to-research-methods.pdf>
- Ho, R., 2014. Handbook of Univariate and Multivariate Data analysis with IBM SPSS, 2nd edition. New York: Chapman and Hall Book.

Updated: 29.7.2022

Objectives and competences:

- ability to compare and contrast univariate and bivariate statistical methods
- knowing the meaning of different statistical methods according to their research problems and characteristics of data collected.
- ability to compare and contrast sampling strategies and data collection methods
- understanding different sampling strategies according to the characteristics of a target population.
- Capability to upgrade the research problem with a research plan and carried it out.
- capability to process the collected data with the appropriate statistical methods and computer program PSPP.
- ability to evaluate the obtained solution taking into account the research questions (hypotheses), the methodology used and current knowledge;
- capability for working in the interdisciplinary teams.
- understanding the ethical principles in the research work.
- Understanding and use of an appropriate method of scientific legal research to deal with a specific legal problem.

Intended learning outcomes:

By the end of this course, student will be able:

- to compare and contrast sampling strategies and method of collecting data and examine their relevance to their research problem;
- to compare and contrast univariate and bivariate statistical methods and examine their implications in analysing a research problem from different perspectives;
- to analyse the research problem, evaluate its relevance, and formulate an appropriate research plan for it;
- to design a research instrument for data collecting, and select appropriate sample strategy;
- to process data analytically and graphically with appropriate statistical method and program PSS;
- to interpret the obtained results and evaluate them regarding the applied methodology and the findings of similar research;
- to summarize their research process, results and findings in a research report;
- to demonstrate autonomy, originality and ethics in problem solving.
- to be able to use a specific method or a set of methods to do scientific research of a specific legal phenomenon.

THE CONSTITUTIONAL PROTECTION OF ENTREPRENEURSHIP

Lecturer:

Izr. prof. dr. Janez Čebulj

Content (Syllabus outline):

1. DEFINITION OF THE CONSTITUTIONAL ASPECTS OF THE FREEDOM OF ENTREPRENEURSHIP.
2. THE FREEDOM OF ENTREPRENEURSHIP AS PART OF THE GENERAL FREEDOM OF ACTION.
3. TYPICAL HUMAN RIGHTS OF ECONOMIC SUBJECTS
4. ECONOMIC ACTIVITY AND PUBLIC BENEFIT
5. CONSTITUTIONAL LIMITS OF PRESCRIBING THE CONDITIONS FOR STARTING A BUSINESS
6. THE CONSTITUTIONAL FRAMEWORKS OF RESTRICTION OF FREEDOM OF ENTERPRISE
7. THE CONSTITUTIONAL FRAMEWORKS FOR THE ADMISSIBILITY OF THE RESTRICTION OF COMPETITION.
8. CONSTITUTIONAL LAW PROTECTING FREEDOM OF ECONOMIC INITIATIVE.
9. CONSTITUTIONAL LAW PROTECTING FREEDOM OF ECONOMIC INITIATIVE IN THE EU
10. FUNDAMENTAL FREEDOMS IN THE EU
11. PROTECTION OF THE COMPETITION IN THE EU
12. GENERAL PRINCIPLES OF EU LAW
13. CHARTER OF FUNDAMENTAL RIGHTS OF THE EU (OBJECTIVE, APPLICABILITY, LIMITATIONS)
14. RESPONSIBILITY OF A MEMBER STATE FOR VIOLATIONS OF EU LAW
15. PROCEDURES IN FRONT OF THE COURT OF JUSTICE OF THE EU
16. RELEVANT CASE-LAW OF THE COURT OF JUSTICE OF THE EU

Readings:

1. Avbelj, Matej (urednik). Komentar Ustave Republike Slovenije, Nova univerza, Evropska pravna fakulteta, Ljubljana 2019 (komentarji k 2., 5., 14., 15., 22., 23., 25., 35., 36., 37. in 74. členu Ustave).
 2. Čebulj, Janez, Ustavno varstvo podjetništva – teme predavanj, MLC – Fakulteta za management in pravo, Ljubljana 2018 (e-gradivo).
 3. Zabel, Bojan. Svobodna gospodarska pobuda v praksi Ustavnega sodišča, Podjetje in delo, 3-4, 2009.
 4. Petersmann, Ernst Ulrich. Human Rights, International Economic Law and »Constitutional Justice«, 19 EJIL 4, 2008 (https://www.researchgate.net/publication/31361521_Human_Rights_International_Economic_Law_and_%27Constitutional_Justice%27).
 5. Weatherill, Stephen, CASES AND MATERIALS ON EU LAW (Oxford University Press, 12th edition, 2016)
 6. Hartley, Trevor C., The Foundations of European Union Law: An Introduction to the Constitutional and Administrative Law of the European Union, Oxford University Press, 2014
- Objectives and competences:**

- Knowledge of the constitutional framework in the field of free economic initiative and protection of competition and the ability to analyze, synthesize and predict solutions and their consequences.
- Knowledge of appropriate methods of legal research, their procedures, analysis and synthesis in the field of constitutional protection of entrepreneurship.
- Ability to overcome problems in the application of constitutional review techniques.
- The ability to use interdisciplinary knowledge in resolving issues in the field of the constitutional framework of freedom of enterprise.
- Capability of teamwork and cooperation in solving concrete examples from the field of constitutional protection of entrepreneurship
- Knowledge and understanding of legal principles and rules in the field of freedom of enterprise and protection of competition.
- Knowledge and understanding of the foundations of the constitutional regulation of constitutional protection, methods and procedure of constitutional review.
- Understanding the importance of applying the principles of the rule of law for the functioning of free economic initiative and developing the ability to access domestic and foreign case law.
- Ability to critically analyze legal sources and case law.
- Ability to use concepts, principles and legal rules in resolving concrete cases in the field of constitutional protection of freedom of enterprise.
- Knowledge of the legal framework in the field of free economic initiative and the protection of competition and the ability to analyze, synthesize and predict solutions and their consequences.

Intended learning outcomes:

Student will:

- know and understand the basic concepts and institutes of the constitutional framework of freedom of enterprise and protection of competition,
- understand and be able to argue the constitutional conditions for the establishment of economic and other organizations.
- understand and be able to explain the constitutional conditions for restricting the freedom of economic initiative and competition,
- know the constitutional limits of prescribing the conditions for the establishment of companies, freedom of enterprise and competition,
- be able to use basic methodological approaches in researching issues of constitutional protection and constitutional review.
- know and understand the basic concepts and institutes of the legal framework of freedom of enterprise and protection of competition in EU.

MANAGEMENT AND ORGANISATION

Lecturer:

Red. prof. dr. Rudi Rozman

Content (Syllabus outline):

1. UNDERSTANDING OF THEORY AND DEVELOPMENT OF ORGANIZATIONAL THEORIES. ORGANIZATION AS A COORDINATED SYSTEM OF DYNAMIC

RELATIONSHIPS WHICH ASSURES A RATIONAL ACHIEVEMENT OF FORMAL SOCIAL UNITS' GOALS.

2. ORGANIZATIONAL STRUCTURES: TECHNICAL, MOTIVATIONAL, COMMUNICATIONAL AND AUTHORITY AT THE LEVEL OF INDIVIDUALS AND AT THE LEVEL OF FORMAL SOCIAL UNITS.
3. BASIC ORGANIZATIONAL PROCESSES: GOVERNANCE, MANAGEMENT AND OPERATIONS. GOVERNANCE-MANAGEMENT PROCESS, COORDINATION AND DECISION-MAKING.
4. COORDINATION.
5. DECISION MAKING.
6. GOVERNANCE-MANAGEMENT PROCESS: BUSINESS PLANNING, PLANNING OF ORGANIZATION, ACTUATION OF ORGANIZATION: HRM AND LEADERSHIP, CONTROL OF ORGANIZATION, BUSINESS CONTROL.
7. ORGANIZATIONAL CULTURE.
8. SELECTED CHAPTERS: RISK MANAGEMENT, CREATIVITY AND INNOVATION MANAGEMENT; ORGANIZATIONAL LEARNING AND KNOWLEDGE MANAGEMENT.

Readings:

Obligatory Readings:

- Rozman, Rudi (2017). Teorija in modeli organizacije. Izzivi managementu, 4(1): 48-58.
- Rozman, Rudi (2012). Slovenian organisation theory and its ties with associated theories and sciences. Dynamic Relationships Management Journal, 1 (1): 2-25.
- Rozman, Rudi (2015). Organizacijske strukture v združbah. Izzivi managementu, 2 (2): 42-53.
- Rozman, Rudi (2000). Sedanje organizacijske strukture podjetij. ZES, Zbornik sekcije za poslovne analize: 152-165.
- Rozman, Rudi & Kovač, Jure (2017). Management. Ljubljana: GV Založba. (Deli o usklajevanju in odločanju).
- Rozman, Rudi (2005). Potek konflikta v dvosmernih organizacijskih procesih. Zbornik: 6. znanstveno posvetovanje o organizaciji. Brdo pri Kranju: FOV UM, EF UL in ZOS: 63-68.
- Rozman, Rudi (1998). The Organizational Functions of Governance and Management. Slovenska ekonomska revija, 49 (3): 28-45.
- Rozman, Rudi (2013). Is There Another Way to the Future but a Utopian One? DRMJ, 2 (1): 3-14.
- Rozman, Rudi (1996). Kako prevesti management v slovenščino? Organizacija, 29 (1): 5-18.
- Rozman, Rudi (2014). Priprava strateškega plana v podjetjih in drugih združbah. Izzivi managementu 1 (1): 5-17.
- Rozman, Rudi in Rozman, Miha (2015). Izvajanje strateškega plana v podjetjih in drugih združbah. Izzivi managementu, 2 (1): 5-15.
- Rozman, Rudi (2018). Ravnanje s postavljanjem ciljev. Izzivi managementu, 5 (2): 62-70.
- Rozman, Rudi (2000). The Relationship between Strategies and Projects. SENET Project Management Review, 1 (1): 54-59.
- Rozman, Rudi, Matej Jugovic (2020). Usposabljanje zaposlenih kot sestavni del ravnanja z njihovimi zmoglostmi. Izzivi managementu, 7 (1): 27-36.
- Rozman, Rudi (2008). Spreminjanje kulture v združbah. Zbornik posvetovanja SAM: Kultura v združbah: 1-9.
- Rozman, Rudi (2017). Organizacijski vidiki ravnanja s tveganji. Zbornik posvetovanja SAM: Obvladovanje tveganj: 3-20.

- Rozman, Rudi (2015). Vpliv managementa na razvijanje ustvarjalne in inovativne združbe. Zbornik posvetovanja SAM: Ustvarjanje in inoviranje.
- Rozman, Rudi in Aleša Saša Sitar (2007). Impact of Organization on Organizational Learning and Knowledge Management. 23. EGOS Colloquium, Vienna: 19 pages.

Additional Readings:

- Daft, R. L. & D. Marcic (2015). Understanding Management, 9e izdaja. Stamford, CT: Cengage Learning.
- Robbins, S. P., Coulter, M (2009) Management, 10. izdaja. Upper Saddle River, NJ: Prentice-Hall.

Objectives and competences:

The main objective of the course is to acquaint students with contemporary understanding of organization and management and to enable them to use it in the practice.

Understanding of business and organization as consisting of connected parts in a holistic way.

Understanding of differences and connections between organization, management and related fields as well as narrow phenomena within these fields.

Understanding and use of the system and strategic thinking.

The ability of conducting some managerial functions, e. g. planning, organizing, control.

The ability to conduct the analysis and research of business, organization and management.

The ability to conduct management in simple cases.

The ability to analyse problems' situations within business, organization and environment and suggestion of measures.

The ability to present business and analyses and research of different phenomena.

Intended learning outcomes:

- The knowledge and understanding of the content and importance of organization science as assuring the effectiveness of organizations.
- The awareness of different organizational phenomena and concepts.
- The ability of conducting the managerial functions and processes.
- The knowledge and understanding of different connected fields, e.g. corporate governance, and theories within these fields, e. g. conflict management, HRM, OB, OD, knowledge management etc.
- The use of gained knowledge in a given area and environment.

COMPARATIVE CORPORATION LAW

Lecturer:

Prof. dr. Rado Bohinc

Content (Syllabus outline):

1. GENERAL (CONCEPTS, LEGAL PERSONALITY, ACTIVITIES, LIABILITY FOR OBLIGATIONS).
2. COMPARATIVE LEGAL PERSPECTIVE ON THE MOST IMPORTANT COMPANY LAW SYSTEMS
3. COMPANY NAME, REGISTERED OFFICE, REPRESENTATION, TRADE SECRETS, NON-COMPETITION CLAUSE
4. EU AND US RULES ON DISREGARD OF LEGAL PERSONALITY
5. SOLE PROPRIETORSHIP
6. EUROPEAN COMPANY LAW
7. COMMERCIAL COMPANIES
8. TAKEOVER LAW: A COMPARATIVE LAW OVERVIEW. LBO (LEVERAGED BUYOUTS)
9. AFFILIATED COMPANIES AND BUSINESS ASSOCIATIONS
10. OTHER FORMS OF STATUS (COOPERATIVES, INSTITUTIONS, ETC.)
11. MERGERS OF COMPANIES, SPLITTING OF COMPANIES
12. TAKEOVERS AND DEFENSIVE TECHNIQUES
13. INSIDER TRADING
14. DISSOLUTION OF COMPANIES AND THE BASICS OF INSOLVENCY LAW

Readings:

Mandatory literature:

L. VARANELLI, Leveraged buyouts med teorijo in prakso, objava Podjetje in delo, 3-4/2001; Priporočena literatura:

Š. IVANJKO, M. KOCBEK, S. PRELIČ, Korporacijsko pravo, Ljubljana, 2009;

R.R. KRAAKMAN, P. DAVIES, H. HANSMANN, G. HERTIG, H. KANDA, E.B. ROCK, The Anatomy of Corporate Law: A Comparative and Functional Approach, Oxford (Oxford University Press, 2004)

Laws:

Zakon o gospodarskih družbah -1 (Uradni list RS št. 65/09 in kasneje spremembe in dopolnitve); - dostopno na spletu

Zakon o finančnem poslovanju, postopkih zaradi insolventnosti in prisilnem prenehanju (Uradni list RS 63/2013 in kasnejše spremembe in dopolnitve); - dostopno na spletu

Zakon o prevzemih – 1 (Uradni list RS 79/06 in kasnejše spremembe in dopolnitve); - dostopno na spletu

Zakon o zadrugah (Uradni list RS 97/09 in kasnejše spremembe in dopolnitve); - dostopno na spletu

Companies Act -1 (Official Journal of the Republic of Slovenia No. 65/09 and subsequent amendments and supplements); - available online

Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act (Official Journal of the Republic of Slovenia No 63/2013 and subsequent amendments and supplements); - available online

Takeovers Act - 1 (Official Journal of the Republic of Slovenia 79/06 and subsequent amendments and supplements); - available online

Cooperatives Act (Official Journal of the Republic of Slovenia 97/09 and subsequent amendments and supplements); - available online

Objectives and competences:

- Enhance knowledge in the development and study of law in organisational systems;
- Ability to identify solutions to management problems in the context of the legal framework for the functioning of organisational systems with regard to the implementation of management and the provision of legal regulation in the system and in the environment;
- the ability to identify solutions to management problems in the context of the legal framework for the functioning of organisational systems in the European and global legal space;

- the ability to engage in self- study to acquire new knowledge and competences
- Mastery of the basics of status law and jurisprudence in the field of business creation and management; ability to identify and critically address complex cases of management deviation from the legal framework of entrepreneurship;
- Competence to establish companies; conduct business in accordance with the law and the rules of the profession;
- Identification of the risks associated with doing business in company law.

Intended learning outcomes:

- Understanding of the concepts of company law;
- Mastery of the procedures relating to the formation and dissolution of companies;
- Ability to assess the requirements for opening liquidation proceedings or other insolvency proceedings;
- Understanding of the procedures for company takeovers in modern company law.
- Knowledge of foreign company law regulations