RAČUNALNIŠKO PRAVO IN UPRAVA

UČNI NAČRT PREDMETA/COURSE SYLLABUS

Predmet:	Računalniško pravo in uprava
Course title:	Computer Law and Administration
Članica nosilka/UL Member:	UL FU

Študijski programi in stopnja	Študijska smer	Letnik	Semestri	Izbirnost
Management v upravi, druga stopnja, magistrski	Upravna informatika (smer)	2. letnik	Celoletni	izbirni

Univerzitetna koda predmeta/University course code:	0069396
Koda učne enote na članici/UL Member course code:	581

Predavanja /Lectures	Seminar /Seminar	Vaje /Tutorials	Klinične vaje /Clinical tutorials	Druge oblike študija /Other forms of study	Samostojno delo /Individual student work	ECTS
21	11			118	60	7

Nosilec predmeta/Lecturer:	Tina Sever

Vrsta predmeta/Course type:	Strokovno izbirni/Professional elective

Jeziki/Languages:	Predavanja/Lectures:	Angleščina, Slovenščina
	Vaje/Tutorial:	Angleščina, Slovenščina

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:	Prerequisites:
Ni.	No prerequisites.

Vsebina:	Content (Syllabus outline):
1. Uprava, pravo, ureditev. 2. Podatki in njihovo varstvo - vrste podatkov in baz, ki se ustvarjajo in izdelujejo za različne namene. 3. Podatki v javnem sektorju. 4. Elektronski dokumenti. 5. Pravice intelektualne lastnine – oblike, načela, obravnava, problemi, pravni režim. 6. Vsebina pravic, načini varstva, pravice in obveznosti subjektov. Upravne podatkovne baze kot intelektualna lastnina in njihovo varstvo. 7. Elektronsko poslovanje v upravi. Pravni okvirji in načela, ureditev. 8. Računalniški in kibernetski kriminal. Pojem, značilnosti in oblike. Merila razvrščanja.	1. Administration, law and regulation. 2. The data and its protection - data types and databases created and made for different purposes. 3. The data in the public sector. 4. Electronic documents. 5. Intellectual property rights - forms, principles, treatment, problems, legal regime. 6. The content of the rights, ways of their protection, rights and obligations of the subjects. Administrative databases as intellectual property and their protection. 7. E-business administration. The legal framework and principles, regulation. 8. Computer and Cyber Crime. Concept, characteristics and forms. Classification

Storilci: lastnosti in profil. Način storitve kaznivega dejanja. Ureditev. 9. Računalniška in kibernetska forenzika. Celovitost uporabe. Pravice in obveznosti subjektov. Elektronski dokumenti, administrativni postopki. Področja uporabe. Status. Avtentičnost in celovitost. Uporaba v postopkih. 10. Elektronske pogodbe: izpolnitev formalnosti pri sklenitvi in uresničitvi, dokazna moč, veljavnost, avtentičnost, zanesljivost. 11. Digitalni dokazi in njihova dopustnost. Zbiranje, hranitev in prikazovanje digitalnih dokazov. Priprava in predstavljanje digitalnih dokazov v sodnih postopkih. 12. Preiskovalne in sodne procedure ter postopki.	criterions. Perpetrators: characteristics and profile. The manner of committing the offense. Regulation. 9. Computer Forensics and Cyber. The integrity of use. The rights and obligations of the parties. Electronic documents, administrative procedures. Fields of application. Status. Authenticity and integrity. Application during procedures. . 10. Electronic Contracts – fulfilling formalities to conclude and realize the contract, evidentiary strength, validity, , authenticity, reliability 11. Digital evidence and their admissibility. Collection, storage and displaying digital evidence. Preparation and displaying digital evidence in judicial procedures. 12. Investigative and judicial procedures and processes.

Temeljna literatura in viri/Readings:

- APLIN T. (ed.), Research handbook on intellectual property and digital technologies, Cheltenham: Edward Elgar Publishing, 2020, str. 74.
- MARIQUE E., MARIQUE Y., Sanctions on digital platforms: Balancing proportionality in a modern public square, Computer Law and Security Review: The International Journal of Technology Law and Practice, https://doi.org/10.1016/j.clsr.2019.105372, 2019, str. 15.
- MARKOPOULOU D., PAPAKONSTANTINOU V., DE HERT P., The new EU cybersecurity framework: The NIS Directive, ENISA's role and the General Data Protection Regulation, Computer Law and Security Review, Volume 35, Issue 6, November 2019, str. 11.
- MARSDEN C. T., Internet Co-Regulation: European Law, Regulatory Governance and Legitimacy in Cyberspace, Cambridge University Press, 2011, str. 50.
- MURRAY A., Information Technology Law: The law and Society, Oxford University Press, 2019, str. 50.
- REED C., Computer Law, Oxford University Press, 2012, str. 50.
- ŠEPEC M., Kibernetski kriminal: kazniva dejanja in kazenskopravna analiza, Univerza v Mariboru: Pravna fakulteta, Univerzitetna založba Univerze, 2018, str. 50.

Cilji in kompetence:	Objectives and competences:
Cilji • Seznanitev študentov z novo vejo prava in njeno uporabo v upravi, saj računalniško pravo omogoča transformacijo tradicionalnega načina pristopa k uporabi novih tehnologij. • Obenem se študenti usposabljajo za reševanje multidisciplinarnih pravnih, upravnih, tehnoloških, managerskih, organizacijskih problemov. Kompetence	Objectives • Introducing students to the new branch of law and its application in the administration as Computer Law allows the transformation of traditional ways of using ICT. • At the same time, they are trained to solve multidisciplinary problems of legal, administrative, technical, managerial, organizational nature. Competences

• obvlada temeljne zakonitosti in tehnike upravnopravnega delovanja uprave, potrebne za pravilno in zakonito izvrševanje njenih funkcij. • študent je sposoben uporabiti pridobljeno znanje in razumevanje na profesionalen način v svojem delu ali poklicu in je zmožen reševati probleme s področja upravnopravnega dela in rešitve argumentirati.	• Student masters basic rules and techniques of administrative management activity of administration, necessary for the proper and lawful exercise of its functions. • Student is capable to apply knowledge and understanding: He can apply this knowledge and understanding in a professional manner in their work or profession and is able to solve problems in the field of administrative work and argue about solutions.

Predvideni študijski rezultati:	**Intended learning outcomes:**
Znanje in razumevanje: • Znanje na področju prava in informatike, uprave, upravnih procesov ter postopkov. • Usposabljanje za uporabo novih pravnih inštitutov, znanj in veščin, vključno s koordinacijo, nadzorom in upravljanjem z dejavnostmi, povezanimi z elektronskimi upravnimi postopki in procedurami. • Seznanjenost je z novostmi na področju študija.	Knowledge and understanding: • Knowledge in the field of law and informatics, administration, administrative processes and procedures. • Training for the implementation of new legal concepts, knowledge and skills including coordination, control and management activities related to electronic administrative processes and procedures. • Informed of the latest developments in the field of study.

Metode poučevanja in učenja:	**Learning and teaching methods:**
1. Študenti poleg obravnavanja literature raziskujejo pojavne oblike, značilnosti, probleme računalniškega prava ter njegove uporabe v upravi. 2. V sklopu timskega dela se ukvarjajo s študijo primera in opravijo primerjalno analizo stanja različnih upravnih praks. 3. Z izdelavo projekta teoretsko in uporabno rešujejo konkretne probleme. 4. Debate pomagajo pri usposabljanju za ustno poslovno komuniciranje, jasnost in natančnost v izražanju ter analitičnost pri zbiranju podatkov, dejstev in utemeljitev. Debate o določeni temi s pripravo pisnih argumentov. 5. Delo v spletnih delavnicah, prek forumov in blogov. 6. Uporaba Moodle za aktiviranje študentov v elektronskem okolju.	1. Students, in addition to the study of literature, research forms, characteristics, issues of computer law and its application in the administration. 2. In teams, they deal with the study (court) cases and conduct a comparative analysis of different administrative practices. 3. By project designing they theoretically and applicatively solve specific problems. 4. Debates are for training in oral communication, clarity and precision and analytical expression in collecting data, facts and arguments. Debates on a particular topic with prepared written arguments. 5. Working in online workshops, forums and blogs. 6. Using Moodle to activate students in an electronic environment.

Načini ocenjevanja:	Delež/Weight	Assessment:
Študija primerov (case study)	35,00 %	Case study
Aktivno sodelovanje (predavanje)	20,00 %	Active participation in lectures

Online dejavnosti	10,00 %	Online activities
Ustni izpit	35,00 %	Oral exam

Reference nosilca/Lecturer's references:

- Sever, T., Rakar, I., Kovač, P. (2014). Protecting human rights through fundamental principles of administrative procedures in Eastern Europe. *Danube*, 5(4) 249275.
- Sever, T. (2015). Odgovornost države in javnih uslužbencev za škodo. *Javna uprava*, 51(1/2) 119138, 178-179.
- Kovač, P., Sever, T. (2015). Collaborative public administration and administrative procedures: the Administrative Consultation Wiki. *Teorija in praksa*, 52(5) 971992, 1006-1007.
- Kovač, P., Sever, T. (2016). Upravna svetovalnica kot primer vključitve študentov, uradnikov in državljanov pri soustvarjanju (u)pravnih vsebin = Administrative Consultation Wiki as a case of inclusion of students, officials and citizens at cocreating legal administrative contents. V K. Aškerc Veniger (ured.) et al., *Izboljševanje kakovosti poučevanja in učenja v visokošolskem izobraževanju : od teorije k praksi, od prakse k teoriji = Improving the quality of teaching and learning in higher education : from theory to practice, from practice to theory* (str. 8088). Ljubljana: Center RS za mobilnost in evropske programe izobraževanja in usposabljanja.
- Kovač, P., Sever, T. (2014). *Participatory administrative procedure: USA vs. selected EU states*. V E. Bohne (ured.), *Public administration and the modern state: assessing trends and impact* (str. 144160). 1st published. Basingstoke; New York: Palgrave Macmillan.