

Svoboda izražanja in tiska je ena izmed najpomembnejših človekovih pravic, ki (kot pogoj) omogoča učinkovito uresničevanje številnih drugih pravic. Medijsko pravo pa je relativno novejša pravna disciplina, ki se razvija vzporedno s pojavom in širitvijo množičnih medijev (t.i. mass media) in modernih komunikacijskih sredstev. Medijska zakonodaja se kontinuirano razvija in postaja zelo pomembna veja pravne znanosti.

Vprašanja zasebnosti, posegov v komuniciranje, civilnopravnega varstva osebnostnih pravic posameznika, avtorske pravice, licenčne pogodbe itd. so, poleg svoboda govora in tiska, najpomembnejša vprašana te, tudi multidisciplinarne pravne discipline.

Medijsko pravo je tudi tesno povezano s pravom osebnostnih pravic, civilnim in odškodninskim pravom in mednarodnim pravom. Mednarodne institucije, kot sta Evropsko sodišče za človekove pravice (s sodnim pravotvorjem) in EU, ustvarjajo pravila in mednarodne standarde, ki morajo biti implementirani v notranji pravni red. Predmet zato namenja posebno pozornost kritičnemu pregledu in analizi sodobne sodne prakse o aktualnih vprašanjih na področju svobode izražanja in medijskega prava.

Pri predmetu Medijsko pravo 2 gre za študij in analizo teh predmetnih vsebin na višji ravni, v primerjavi s predmetom Medijsko pravo 1 (nadaljevalni program).

Poglavitne teme:

1. Konceptualne in praktične posebnosti in pasti svobode izražanja in medijev v sodobni demokratični družbi.
2. Podrobnejša konceptualna analiza in sinteza: pravica do govora, izražanja, javnega komuniciranja, svoboda tiska, svoboda širjenja in prejemanja informacij.
3. Sodna praksa Evropskega sodišča za človekove pravice v zvezi s svobodo izražanja in svobodo tiska.

Freedom of expression and the press is one of the most important human rights. It (as a prerequisite) also enables the effective exercise of several other human rights. Media law is a relatively young legal discipline that is evolving in parallel with the emergence and spread of mass media and modern communication technology. Media legislation is developing continuously and becoming a highly important part of legal science.

Issues of privacy, interference and intrusion with communication, civil protection of personality rights, the copyrights are, besides freedom of public speech and press, some of the key issues of this, also multidisciplinary legal discipline.

Media law is also closely related to the personal rights law, civil and compensation law and international law. International institutions, such as the European Court for Human Rights (with the judicial law-making) and EU, play important or even essential role when creating regulations and international standards to be implemented into national law. The subject assigns a special attention to the critical review and analysis of temporarily judicial practice concerning freedom of expression and media law.

The purpose of Media Law 2 is to guarantee the studies and analysis of those issues at a higher level in comparison with the Media Law 1 (s.c. advanced programme).

Major topics:

1. Conceptual and practical specifics and traps of freedom of expression and media in a present democratic society.
2. Detailed analysis and synthesis of the right to freedom of speech, expression, the press and the mass media, the right to spread and receive information.
3. Judicial Lawmaking of the European Court of Human Rights, relating to the freedom of expression and the press.

4. kritika najpomembnejših odločb Ustavnega sodišča RS v zvezi s svobodo izražanja in mediji.
5. Razmerje med svobodo izražanja in svobodo medijev ter pravico do zasebnosti – težji primeri.
6. Varstvo osebnih podatkov – težji primeri

4. Critical analysis of the most important decision of the Constitutional Court of the Republic of Slovenia concerning freedom of expression and the media.
5. Relationship between the freedom of expression and the media and the right to privacy – hard cases.
6. The legal protection of the personal data.