

PUBLIC AND PRIVATE JUSTICE

Dispute Resolution in Modern Societies

Outline of the course

The present international course, taught in the English language, is interdisciplinary in nature. It deals extensively not only with the legal aspects, but also touches upon other disciplines such as history, political science, philosophy and sociology.

The main aim of the course is to analyse the role and functioning of the law and its institutions as mechanisms for the regulation of social conflicts in present-day Europe. The emphasis of the course lies in the real day-to-day functioning of those mechanisms in the light of the applicable normative framework. The course focuses on the resolution of civil disputes, both in the field of general civil disputes and in specific areas (e.g. the commercial and family areas). Equal attention is given to mechanisms established and controlled by the state (i.e. courts and other institutions of „public justice“) and mechanisms that are established and controlled by civil society actors (persons and tribunals in the field of „private justice“, including arbitration and mediation).

Within this field, the course addresses different topics each year, according to the choice of the Course Directors and subject to the interests and the availability of lecturers. The target participants are scholars and students engaged and/or interested in civil dispute resolution and its history (including, but not limited to the following sub-fields: arbitration, ADR, bankruptcy proceedings, court administration and case management). In addition, those who are active and/or interested in other legal areas such as commercial law and family law are encouraged to participate. Scholars, students and practitioners who have a particular interest in empirical and factual research into how specific rights are effected and protected in practice are warmly welcomed. The course is also of interest to scholars and students from other, non-legal, disciplines with an interest in dispute resolution mechanisms. In particular, the Course Directors encourage the participation of scholars and students in the fields of Social Sciences and the Humanities who have an interest and/or expertise in the functioning of the justice system, the impact of legal reforms on society and the social and political role of legal institutions and legal professionals in civil society. The course does not,

however, cover topics of criminal law. Its main focus is on the national justice systems and comparative law.

The selection of topics is guided by the wish to provide a truly representative forum for the study and discussion of the central theme of this course. Although the course also covers topics that impact on a global scale, priority is given to dispute resolution in Europe. As the establishment of an efficient and fair system of civil justice is particularly relevant for the political and economic processes in the transition and post-transition countries, the course is attractive for students and practitioners from Central and South-Eastern Europe (including the post-Yugoslav states).