

REVIEW IN THE HABILITATION PROCEEDINGS IN THE DISCIPLINE OF LEGAL SCIENCES

RYSZARD A. STEFAŃSKI*

DOI 10.2478/in-2026-0005

ABSTRACT

The article analyses problems arising from the statutory regulation of reviews in the proceedings for the award of the postdoctoral degree of *doktor habilitowany*. The analysis covers: the substantive scope of the review; the nature of scientific achievements constituting a significant contribution to the development of the discipline of legal sciences; and the meanings of the terms ‘monograph’ and ‘series of thematically related scientific articles’. The structure of the review and its basic components are also presented: the introduction; the analysis and evaluation, including formal and substantive assessment (of the choice of topic, the structure of the study, the research problem, research objective, research thesis, and research hypothesis, the appropriateness of the research methods applied, and the significant contribution to the development of the discipline of legal sciences); as well as the quality of the review, its form, and the deadline for its preparation.

Keywords: degree of *doktor habilitowany*, discipline of legal sciences, monograph, review, scientific achievement, series of thematically related scientific articles, significant contribution to the development of the discipline of legal sciences; structure of the review

1. INTRODUCTION

Within the meaning of the Act: Law on Higher Education and Science, scientific or artistic achievements constituting a significant contribution to the development of a specific scientific discipline are subject to assessment in the proceedings for the conferment of the postdoctoral degree of *doktor habilitowany* (*Doctor habilitatus*) by persons with the highest scientific qualifications, i.e. those holding the postdoctoral degree of *doktor*

* Professor, LLD hab., Head of the Department of Criminal Law of the Faculty of Law and Administration of Lazarski University in Warsaw (Poland), e-mail: ryszard.stefanski@lazarski.pl, ORCID: 0000-0003-0995-9499



habilitowany or the title of professor, as well as possessing current scientific achievements and a recognised reputation, including international recognition,¹ and therefore having a significant persuasive impact (*argumentum ad auctoritatem*). However, at least two negative reviews determine the refusal to award the degree of *doktor habilitowany* (ex Article 221(1)(10) and (12) LHES). The statutory regulations concerning reviews are very modest; therefore, the definition of their detailed requirements is largely left to representatives of science and practice, including the Council of Scientific Excellence.

The article is aimed at analysing the provisions of the Law on Higher Education and Science concerning reviews, indicating directions of their interpretation and proposing specific changes, as well as providing practical guidelines for their preparation.

The research thesis is that reviews in the postdoctoral degree conferment (habilitation) procedure are crucial to the outcome of the proceedings. The research hypothesis is that the statutory requirements for reviews are inadequate given their importance in these proceedings. To achieve the intended goals, dogmatic-legal as well as logical research methods have been employed.

2. THE CONCEPT OF 'REVIEW'

The word 'review', stemming from the Latin *recensio*, means 'an opinion on (...) a presented scientific publication etc., issued by a competent person'; thus, it is a synonym of the word 'opinion'.² The reviewer's activity involves reviewing, which consists in 'an analysis and evaluation of (...) a scientific work'.³ A review is an expression of a personal, expert assessment of the contribution of the applicant for the postdoctoral degree of *doktor habilitowany* to the development of a specific scientific discipline.⁴ It is an expert opinion on the quality of scientific achievements submitted for evaluation in the academic promotion process; it constitutes a reporting and critical text containing a discussion and assessment of the scientific achievement. It is the basic evidence in the process of issuing an authoritative and unilateral decision by a given body, however, an objective one in terms of the substance of the case due to the balancing of many premises and circumstances that determine academic promotion.⁵ They form basic material for the habilitation committee and the habilitation entity (scientific council and faculty council), containing the level of fulfilment of the requirements specified in statute.⁶

¹ The reviewer must meet this requirement in accordance with Article 221(4) and (5)(3) of the Act of 20 July 2018: Law on Higher Education and Science (Journal of Laws of 2024, item 1571, as amended), hereinafter referred to as 'the LHES'.

² H. Zgólkowa (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 35, Poznań, 2002, p. 302.

³ *Ibidem*.

⁴ Rada Doskonałości Naukowej, *Postępowania dotyczące nadawania stopnia doktora habilitowanego. Poradnik aktualizowany*, Warszawa, 2023, p. 32.

⁵ B. Sitek, A. Woźniak, 'Recenzent i recenzja w świetle prawa', *Forum Akademickie*, 2025, No. 1, p. 9.

⁶ J. Wiktor, 'Recenzja osiągnięć naukowych w postępowaniach awansowych – między jakością oceny a formalizmem rozstrzygnięć Ustawy 2.0', *E-mentor*, 2019, No. 1, p. 4; M. Gorynia, 'Recenzje w postępowaniach naukowych', *Forum Akademickie*, 2025, No. 3, p. 18.

3. SCOPE OF WORKS SUBJECT TO A REVIEW

The scope of works subject to a review in the habilitation proceedings is laid down in Article 221(8) LHES, in accordance with which reviewers shall assess whether the scientific achievements of the person applying for the degree of *doktor habilitowany* correspond to the requirements set out in Article 219(1)(2), and prepare a review. The reference to Article 219(1)(2) LHES clearly indicates that in legal sciences reviewers shall assess scientific achievements in the context of their significant contribution to the development of particular disciplines of legal sciences, or more precisely, a specific legal science or branch of law, including at least:

- (1) one scientific monograph published by a publisher that, in the year of publication of the monograph in its final form, was included in the list of publishers of reviewed scientific monographs;⁷ or
- (2) one series of thematically related scientific articles published in scientific journals or reviewed materials from international conferences which, in the year of publication of the article in its final form, were listed in the Annex to the Announcement of the Minister of Higher Education and Science concerning the list of scientific journals and reviewed materials from international conferences.⁸

An achievement may form part of a collective work if the study of a separate issue represents an individual contribution of the person applying for the degree of *doktor habilitowany* (Article 219(2) LHES). The Council of Scientific Excellence recommends that:

‘In the case of two- or multi-authored works, a statement be submitted by the habilitation applicant and co-authors indicating their substantive (not percentage) contribution to the development of each work [e.g. who was the author of the research hypothesis, who was the originator of the research, who performed specific studies (e.g. conducted specific experiments, developed and collected surveys, etc.), who carried out the analysis of results, prepared the article manuscript, etc.]. The determination of the contribution of a given author, including the habilitation applicant, should be precise enough to make it possible to accurately assess their participation and role in the development of each work.’⁹

In principle, the concept of a ‘design unique achievement accomplished’ (Article 219(1)(2)(c) LHES) cannot be taken into account in legal sciences, because

⁷ The latest list is contained in the Annex to the Announcement of the Minister of Higher Education and Science of 22 July 2021 concerning the list of publishing houses that publish reviewed scientific monographs; <https://www.gov.pl/attachment/1feb29b3-5278-4366-86e9-f7dfa2b1b474> (accessed: 12 March 2026), hereinafter referred to as ‘the list of scored publishers’.

⁸ The latest Announcement of the Minister of Higher Education and Science is that of 5 January 2024 concerning the list of scientific journals and reviewed international conference materials; <https://www.gov.pl/web/nauka/ujednoliczony-wykaz-czasopism-naukowych> (accessed: 30 September 2025), hereinafter referred to as ‘the list of scored journals’.

⁹ The template ‘List of scientific or artistic achievements constituting a significant contribution to the development of a specific discipline’; <https://www.rdn.gov.pl/postepowanie-habilitacyjne.wymagania-dokumentacyjne-wnioskow-w-sprawie-nadania-stopnia-doktora-habilitowanego.html> (accessed: 20 September 2025).

it is difficult to imagine that, for example, the development of a draft legal act, including a code, would be considered a unique scientific achievement.¹⁰

This means that the achievements must be published and cannot take the form of studies submitted for publication, which is explicitly stipulated in Article 219(1) (2) LHES, which states that they must be published by a publishing house or in a scientific journal, or in reviewed materials from international conferences included in the aforementioned lists. This is also confirmed by the exemption under Article 219(3) LHES, pursuant to which the publication obligation shall not apply to achievements whose subject matter is protected by classified information.

This means that works subject to reviewing include:

- (1) monographs;
- (2) series of articles;
- (3) other scientific achievements.

The itemisation of a monograph and a series of articles within the achievements of a person applying for the degree of *doktor habilitowany* means that this is to be, as emphasised in the literature, a special achievement equivalent to the habilitation dissertation required under former regulations.¹¹ The assessment of other scientific achievements is justified by the content of Article 219(1)(2) *in principio* LHES, which refers to scientific achievements, including a monograph or a series of thematically related scientific articles published in scientific journals or in reviewed materials from international conferences. Therefore, other scientific achievements are aptly indicated in the cited template 'List of scientific or artistic achievements constituting a significant contribution to the development of a specific discipline' (item I.4).¹²

These achievements do not have to originate from the period after the applicant obtained a doctoral degree. They may also include scientific achievements from the period before the doctoral degree was conferred, as well as the doctoral dissertation published,¹³ which may constitute another scientific achievement. Taking into account scientific achievements from the period before the doctoral degree was conferred is supported by the linguistic interpretation of Article 219(1)(2) LHES, which refers to the possession of scientific achievements with no specification of the period of their occurrence. The rejection of this possibility would be contrary to the interpretative principle *lex non distinguente nec nostrum est distinguere* (where the law does not introduce distinctions, the interpreter is not permitted to introduce

¹⁰ P. Grzebyk, 'Warunki uzyskania stopnia doktora habilitowanego w dyscyplinie nauki prawnej', *Państwo i Prawo*, 2022, No. 5, p. 77.

¹¹ M. Radajewski, 'Nadawanie stopnia doktora habilitowanego w świetle prawa o szkolnictwie wyższym i nauce', *Studia Prawno-Ekonomiczne*, 2020, Vol. CXIV, p. 88.

¹² See footnote 9. It is worth noticing that the items listed there were erroneously referred to Article 219(1)(2a), (2b) and (c) LHES, whereas the Act contains Article 219(1)(2)(a), (b) and (c).

¹³ Rada Doskonałości Naukowej, *Postępowania...*, op. cit., p. 12; M. Radajewski, 'Nadawanie stopnia...', op. cit., p. 87; D.P. Kała, 'Ogólne przesłanki nadania stopnia doktora habilitowanego', *Ruch Prawniczy, Ekonomiczny i Socjologiczny*, 2021, No. 1, p. 235; P. Grzebyk, 'Warunki uzyskania...', op. cit., p. 79; P. Pokorny, P. Waszkiewicz, in: Jakubowski A. (ed.), *Prawo o szkolnictwie wyższym i nauce. Komentarz*, Warszawa, 2023, p. 702; D. Dajnowicz-Piesiecka, Ł. Kierznowski, 'Awanse naukowe młodych naukowców (perspektywy i wyzwania)', *Państwo i Prawo*, 2022, No. 5, p. 126; Ł. Kierznowski, 'Rozprawa doktorska jako osiągnięcie habilitacyjne', *Opolskie Studia Administracyjno-Prawne*, 2024, No. 2, pp. 85–101.

them).¹⁴ Moreover, historical interpretation also supports this stance. Originally, one of the requirements for admission to the habilitation proceedings laid down in the Act of 14 March 2003 on Scientific Degrees and a Scientific Title, and Degrees and a Title in the Field of Art,¹⁵ was the possession of significant scientific achievements (Article 16). By means of the Act of 18 March 2011 amending the Act: Law on Higher Education and Science, the Act on Scientific Degrees and a Scientific Title, and Degrees and a Title in the Field of Art, and amending Certain Other Acts,¹⁶ the requirement was changed to 'scientific or artistic achievements obtained after the doctoral degree was conferred'. The omission of the phrase 'obtained after the doctoral degree was awarded' in Article 219(1)(2) LHES demonstrates that the legislator consciously abandoned this requirement. It is expressly emphasised in the justification of the Law on Higher Education and Science Bill that: 'The proposed solution removes the currently existing habilitation requirement to demonstrate only achievements obtained after the doctoral degree was conferred.'¹⁷

However, a doctoral dissertation cannot be assessed as a monograph referred to in Article 219(1)(2)(a) LHES.¹⁸ Allowing such a possibility would lead to absurdity, as two scientific degrees would be awarded on the basis of the same scientific achievement: a doctoral degree and the degree of *doktor habilitowany*. As is rightly pointed out in the literature, the purpose of legal regulations concerning academic promotion is primarily to multiply scientific achievements by scholars and advance scientific progress. If a doctorate is not only an original solution to a scientific problem but also a significant contribution to the development of a specific discipline, it demonstrates the considerable potential of the person holding the doctoral degree. Nonetheless, allowing for the conferment of the degree of *doktor habilitowany* on this basis would contradict the three-tier model of professional advancement in Poland and would not motivate scholars to make progress and develop science.¹⁹ It is rightly pointed out that a different stance would be contrary to the legislator's intention, which recognised the provision of the highest quality of scientific activities as the mission of the higher education and science system (Article 2 LHES).²⁰ This position is also supported by the argument that it would result in a second evaluation of the doctoral dissertation, this time for the purposes of the habilitation proceedings.²¹ In disagreement with this statement, it is argued that the double use of the same achievement does not occur, because there are completely different requirements for the habilitation proceedings than for the doctoral dissertation; in the former case, it is a significant contribution to the development of a specific discipline, and in the latter, an original solution to

¹⁴ L. Morawski, *Zasady wykładni prawa*, Toruń, 2006, p. 107.

¹⁵ Journal of Laws of 2003, No. 65, item 595.

¹⁶ Journal of Laws of 2011, No. 84, item 455.

¹⁷ The governmental Bill: Law on Higher Education and Science (the Sejm print no. 2446), p. 50; <https://www.sejm.gov.pl/Sejm8.nsf/druk.xsp?nr=2446> (accessed: 30 September 2025).

¹⁸ M. Radajewski, 'Nadawanie stopnia...', op. cit., p. 88; D.P. Kała, 'Ogólne przesłanki...', op. cit., pp. 236–237.

¹⁹ D.P. Kała, 'Ogólne przesłanki...', op. cit., p. 237.

²⁰ D. Dajnowicz-Piesiecka, Ł. Kierznowski, 'Awanse naukowe...', op. cit., p. 126.

²¹ H. Izdebski, in: Izdebski H., Zieliński J.M. (eds), *Prawo o szkolnictwie wyższym i nauce. Komentarz*, LEX/el., 2023, thesis 5 to Article 219.

a scientific problem (Article 187(2) LHES); the evaluation is not repeated, since it is based on entirely different requirements and criteria in the two proceedings.²² The application of different evaluation criteria to the doctoral dissertation does not negate the fact that it would be subject to assessment twice.

The argument for allowing the treatment of a published doctoral dissertation as a monograph referred to in Article 219(1)(2)(a) LHES is that the doctoral dissertation alone cannot be considered the basis for awarding the degree of *doktor habilitowany*, because Article 219(1)(2)(a) LHES refers to possessing scientific 'achievements'; thus, apart from the doctoral dissertation, there must also be other achievements that demonstrate a significant contribution to the development of a specific discipline.²³ However, this does not change the fact that, in such a case, the doctoral dissertation would represent an essential part of the body of work allowing for its recognition as a significant contribution to the development of the discipline of legal sciences.

The Council of Scientific Excellence argues that the use of the plural form of the word 'achievement' in Article 219(1)(2) LHES demonstrates that it is necessary to evaluate at least two achievements that meet the criterion of a significant contribution to the development of a specific discipline indicated by the applicant. These must include a monograph or a series of thematically related scientific articles.²⁴ The linguistic interpretation leads to this conclusion, but it is not the only interpretative guideline that may be applied in the process of interpreting a provision. In the case of vague terms, the rules of functional interpretation play a significant role, becoming a guidepost suggesting a direction of interpretation that requires the purpose of the legal regulation to be taken into account when interpreting provisions.²⁵ Functional axiological directives²⁶ support a broader understanding of scientific achievements in terms of their number. Confining oneself to just two scientific achievements as sufficient for the award of the degree of *doktor habilitowany* is inconsistent with the established mission of the higher education system and science, which is, *inter alia*, in the words of the law, 'to provide the highest quality education and scientific activity' (Article 2 LHES).

In my opinion, apart from a monograph or a series of articles, there should be other scientific achievements in the field of legal sciences. The statute does not determine their number but, if the aforementioned mission of the higher education system and science is taken into account, there should be relatively many more, no fewer than several dozen. Bearing in mind the phrase 'several dozen', which means 'a number

²² Ł. Kierznowski, *Stopnie naukowe i stopnie w zakresie sztuki. Komentarz*, Warszawa, 2021, p. 230; Ł. Kierznowski, 'Rozprawa doktorska...', op. cit., p. 94.

²³ K. Ślebza, in: Baran K.W. (ed.), *Akademickie prawo zatrudnienia. Komentarz*, Warszawa, 2020, pp. 397–398.

²⁴ Rada Doskonałości Naukowej, *Postępowania...*, op. cit., p. 12; thus also M. Grudek, 'Liczba osiągnięć naukowych albo artystycznych, stanowiących znaczny wkład w rozwój określonej dyscypliny, konieczna do wykazania we wniosku habilitacyjnym', *Roczniki Administracji i Prawa*, 2022, No. 2, p. 157; M. Grudek, 'Osiągnięcie naukowe albo artystyczne stanowiące znaczny wkład w rozwój określonej dyscypliny w rozumieniu ustawy prawo o szkolnictwie wyższym i nauce', *Roczniki Administracji i Prawa*, 2022, No. 2, pp. 136–137; P. Stec, 'Nowe ścieżki kariery akademickiej – habilitacja 2.0', *Państwo i Prawo*, 2021, No. 7, pp. 8–9.

²⁵ L. Morawski, *Wstęp do prawoznawstwa*, Toruń, 2014, pp. 151 and 152.

²⁶ M. Zieliński, *Wykładnia prawa. Zasady, reguły, wskazówki*, Warszawa, 2010, p. 340.

approximately greater than 20 and less than 100,²⁷ one should assume that this refers to more than 20 achievements. This is a minimum number and applies to situations where the scientific achievements assessed are of the highest standard.

Only the achievements submitted by the applicant for the degree of *doktor habilitowany* are subject to this evaluation. Only the scientific and other achievements presented at the time of submitting the application for the conferment of the degree of *doktor habilitowany* shall be assessed, and they cannot be supplemented during the proceedings. Article 220(2)(2) LHES obliges the applicant to include a list of the achievements referred to in Article 219(1)(2) LHES, i.e. those that are subject to evaluation by reviewers. This reference is identical to that contained in Article 221(8) LHES. The applicant is not required to present their entire scientific achievements, and their scope is left to their discretion. They select those scientific achievements from among their entire scientific output that they deem to meet the criteria for the award of the degree of *doktor habilitowany*. Therefore, reviewers are not allowed to assess scientific achievements beyond those indicated in the application for the commencement of the habilitation proceedings, much less to accuse the applicant of failing to submit their entire body of work for review.²⁸ Nevertheless, listing all scientific publications may facilitate substantiating claims that the applicant's scientific accomplishments constitute a significant contribution to the development of the discipline of legal sciences. Limiting the list only to those scientific achievements that represent a significant contribution to the development of a scientific discipline is not justified.²⁹

However, either a monograph or a series of thematically related scientific articles, or a monograph and a series, may be presented, as indicated by the words 'at least' used in the provision and the connection of these achievements with the sentential connective 'or', meaning a simple alternative, which signifies that a sentence is true if and only if at least one component of it makes the sentence true.³⁰ There is no obligation to present more than one monograph or a series of articles, or both a monograph and a series of articles.³¹

The conditions for awarding the degree of *doktor habilitowany* are closed in nature and therefore cannot be expanded by the habilitation committee, the senate, or the scientific council in accordance with Article 221(14)(1) LHES, which authorises them to determine the detailed procedure for conferring the degree of *doktor habilitowany*. This authorisation is limited to procedural issues.³² Contrary to what is assumed

²⁷ H. Zgólkowa (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 16, Poznań, 1998, p. 149.

²⁸ D.P. Kała, 'Ogólne przesłanki...', op. cit., pp. 234–235; P. Pokorny, P. Waszkiewicz, in: Jakubowski A. (ed.), *Prawo o szkolnictwie...*, op. cit., p. 730; K. Ślebzak, in: Baran K.W. (ed.), *Akademickie prawo...*, op. cit., p. 410; Ł. Kierznowski, *Stopnie naukowe...*, op. cit., p. 228; Ł. Kierznowski, 'Rozprawa doktorska...', op. cit., p. 95; H. Izdebski, in: Izdebski H., Zieliński J.M. (eds), *Prawo o szkolnictwie wyższym i nauce. Komentarz*, Warszawa, 2019, p. 357; T. Jędrzejewski, in: Woźnicki J. (ed.), *Prawo o szkolnictwie wyższym i nauce. Komentarz*, Warszawa, 2019, pp. 581–582.

²⁹ M. Grudek, 'Liczba osiągnięć naukowych...', op. cit., p. 158; D.P. Kała, 'Ogólne przesłanki...', op. cit., pp. 234–235.

³⁰ W. Wolter, M. Lipczyńska, *Elementy logiki dla prawników*, Warszawa–Wrocław, 1973, p. 82.

³¹ P. Grzebyk, 'Warunki uzyskania...', op. cit., p. 74.

³² Rada Doskonałości Naukowej, *Postępowania...*, op. cit., pp. 7–8, 15; D.P. Kała, 'Ogólne przesłanki...', op. cit., p. 231.

in the literature, it is not permissible in these proceedings to specify the minimum quality thresholds for achievements that must be met by the applicant for the degree of *doktor habilitowany* in order for the habilitation entity to consent to the initiation of proceedings for the award of this degree.³³ The view that habilitation entities have been granted competence to establish the standard of requirements for a given discipline cannot be shared either.³⁴ The fact, raised by the author of this view, that this would lead to unjustified differentiation in the detailed requirements for candidates for the degree of *doktor habilitowany*, and that as a result persons awarded this degree by different habilitation entities would possess a different structure of actual competences, qualifies as an argument for rejecting this opinion.³⁵

This does not have to be a degree obtained in the same discipline in which the applicant is applying for the award of the degree of *doktor habilitowany*.³⁶ Article 221(8) LHES does not contain a reference to Article 219(1)(1) LHES, i.e. to the possession of a doctoral degree by the applicant for the degree of *doktor habilitowany*. If it is found that the applicant does not possess such a degree, there are no obstacles to indicating his in the review. The possession of a doctoral degree includes a presumption that the person applying for the award of the degree of *doktor habilitowany* has general theoretical knowledge in the discipline of legal sciences and the ability to conduct scientific work independently (arg. ex Article 187(1) LHES). This does not mean, as is stated in the literature, that it results from their skills in applying an appropriate methodology of scientific work; therefore, making allegations in a review about the lack of appropriate scientific methodology in scientific articles or monographs should be done with great caution, as it may conflict with the official confirmation of their competences and may be treated as unjustified.³⁷ Such a presumption does not bind the reviewer, and the reviewer's right to assess achievements covers all aspects, including methodological ones.

The requirement of holding a doctoral degree is not subject to formal evaluation conducted by the Council of Scientific Excellence, which carries out the formal assessment of the application (Article 221(1) LHES). The formal evaluation consists in checking whether the application meets formal requirements, i.e. whether it contains the elements specified in Article 63 CAP in conjunction with Article 178(3) LHES and in Article 220(2) LHES. Taking into account *mutatis mutandis* the content of Article 63 CAP, it should be assumed that the application is subject to verification as to whether it contains the indication of the person submitting it, their address and request, and whether it meets the requirements specified in special provisions (§ 2), as well as whether it is signed by the applicant (§ 3). As regards the verification of other requirements, in accordance with Article 220(2) LHES, it is assessed whether the application contains:

³³ D.P. Kała, 'Ogólne przesłanki...', op. cit., p. 232.

³⁴ J. Wiktor, 'Recenzja osiągnięć naukowych...', op. cit., p. 6.

³⁵ Ibidem.

³⁶ Judgment of the Supreme Administrative Court of 24 January 2018, I OSK 1497/16, LEX no. 2220755; P. Grzebyk, 'Warunki uzyskania...', op. cit., p. 73.

³⁷ D.P. Kała, 'Szczegółowe przesłanki nadania stopnia doktora habilitowanego', *Ruch Prawniczy, Ekonomiczny i Socjologiczny*, 2022, No. 3, p. 39.

- (1) a description of the professional career;
- (2) a list of achievements referred to in Article 219(1)(2) LHES;
- (3) the indication of the habilitation entity chosen to conduct the proceedings for conferring the degree of *doktor habilitowany*.

The Council of Scientific Excellence indicates that the application should take the form of a cover letter requesting the award of the degree of *doktor habilitowany* in a given field and discipline by an authorised and specifically designated habilitation entity, to which documents should be attached, as separate attachments, confirming that the conditions for awarding this degree have been satisfied.³⁸ It recommends that a copy of the document confirming the doctoral degree be attached to the application.³⁹ It is likewise argued in the doctrine that an appropriate document confirming the doctoral degree should be attached to the application.⁴⁰ However, the problem is that neither Article 220(2) LHES nor Article 63 § 2 CAP lays down an obligation to attach documents confirming the statements contained therein to the application. The template for the 'Application for commencement of the proceeding for the conferment of the postdoctoral degree of *doktor habilitowany*' does include the word 'Attachments' under the space for signature, but it is unclear what these attachments should be. Undoubtedly, the Council of Scientific Excellence should be authorised to verify this requirement, but this necessitates an amendment to Article 221(1) LHES by adding a provision concerning the verification of the possession of a doctoral degree.

It is assumed in the literature that the elements or attachments to the application necessary for the proper conduct of the habilitation proceedings may be subject to the aforementioned internal regulations of the habilitation entities (Article 221(14) (1) LHES).⁴¹ However, as is rightly emphasised in the doctrine, this solution is questionable insofar as these are not commonly applicable regulations⁴² and may lead to discrepancies concerning the formal requirements for the application.

The reviewer shall not assess whether an applicant for the degree of *doktor habilitowany* has demonstrated involvement in significant scientific activity in more than one higher education institution or academic or scientific institution, in particular a foreign one (Article 219(1)(3) LHES).⁴³ In Article 221(8) LHES, a reference is made to Article 219(1)(2) LHES, and its item (3) concerning scientific activity has been omitted. The opinion of the Council of Scientific Excellence is different. It assumes that the reviewer's task is to prepare an unambiguous, justified assessment of whether the person applying for the degree of *doktor habilitowany* meets the

³⁸ Rada Doskonałości Naukowej, *Postępowania...*, op. cit., p. 24.

³⁹ Proposed forms for documenting applications for the award of the degree of *doktor habilitowany*; <https://www.rdn.gov.pl/postepowanie-habilitacyjne.wymagania-dokumentacyjne-wnioskow-w-sprawie-nadania-stopnia-doktora-habilitowanego.html> (accessed: 12 March 2026).

⁴⁰ K. Ślebzak, in: Baran K.W. (ed.), *Akademickie prawo...*, op. cit., p. 402.

⁴¹ T. Jędrzejewski, in: Woźnicki J. (ed.), *Prawo o szkolnictwie...*, op. cit., p. 577.

⁴² H. Izdebski, in: Izdebski H., Zieliński J.M. (eds), *Prawo o szkolnictwie wyższym...*, 2019, op. cit., pp. 353–354.

⁴³ Rada Doskonałości Naukowej, *Recenzje w postępowaniach o awans...*, op. cit., p. 12; P. Pokorny, P. Waszkiewicz, in: Jakubowski A. (ed.), *Prawo o szkolnictwie...*, op. cit., Legalis, margin number 12 to Article 221.

requirements referred to in Article 219(1)(1)–(3) LHES,⁴⁴ and therefore also whether the applicant holds a doctoral degree and has been involved in scientific activities in more than one higher education or scientific institution, in particular a foreign one. This statement is in clear contradiction of Article 221(8) LHES. From a normative point of view, the reviewer's statement concerning these issues constitutes an excess of their statutory powers. At the same time, the Council of Scientific Excellence demonstrates inconsistency because, when defining the elements of the agreement concluded between the reviewer and the habilitation entity, it recommends that this document should include a clause obliging 'the reviewer to assess whether the person applying for the award of the degree of *doktor habilitowany* meets the requirements laid down in Article 219(1)(2)LHES'.⁴⁵ The above-mentioned stance of the Council mitigates its statement that:

'the basic and only role of the reviewer is to assess whether the scientific or artistic achievements of the person applying for the award of the degree of *doktor habilitowany* meet the requirements laid down in Article 219(1)(2) of the statute. As a result, reviewers should not make their review conclusions dependent on the assessment of the fulfilment of the condition concerning demonstration of the involvement of the person applying for the award of the degree of *doktor habilitowany* in scientific or artistic activities referred to in Article 219(1)(3) LHES'.⁴⁶

The exclusion of scientific activities from the subject matter of the review is unjustified. The reviewer, as a distinguished expert in the specific field of law or branch of law relevant to the scientific activity of the applicant for the degree of *doktor habilitowany*, is fully qualified to evaluate the applicant's scientific activity. Although the fulfilment of these requirements is assessed by the habilitation committee to which the reviewers belong, and during its meeting each member should express their opinion on the fulfilment of all the requirements for the conferment of this degree, the evaluation included in the review would be more valuable due to its broader and more in-depth justification. It is justified to expand the subject matter of the review by means of an amendment to the Law on Higher Education and Science by adding the assessment of the applicant's scientific activity.

The statute does not require applicants to provide the habilitation entity with copies of the publications indicated as their scientific achievements either. This is a customary practice, but refusals to submit them sometimes occur. The fact that the reviewer lacks copies of the publications indicated in the application significantly hinders, and sometimes even prevents, familiarisation with them. It is unclear what the reviewer should do in such a situation; there are no grounds for refusing to undertake a review, since the applicant is not obliged to submit such copies to the habilitation entity. The problem may be resolved by means of a resolution of the senate or the scientific council adopted in accordance with Article 221(14)(1) LHES, but the introduction of this obligation by means of an appropriate amendment to LHES would be the best solution.

⁴⁴ Rada Doskonałości Naukowej, *Postępowania...*, op. cit., p. 31.

⁴⁵ *Ibidem*, p. 32.

⁴⁶ *Ibidem*.

Summing up, the reviewers shall assess whether the achievements indicated by the persons applying for the award of the degree of *doktor habilitowany*: firstly, whether an achievement in the form of a monograph meet the statutory requirements for this form of publication; secondly, whether scientific articles constitute a series of thematically related ones; thirdly, whether their other scientific achievements, apart from monographs and series of articles, represent a significant contribution to the development of the discipline of legal sciences.

3.1. MONOGRAPH

The assessment of whether a reviewed work represents a monograph is relatively simple. A scientific monograph is defined in § 10 of the Regulation of the Minister of Science and Higher Education of 22 February 2019 on evaluating the quality of scientific activities,⁴⁷ which states that it is a reviewed book publication: (1) presenting a specific scientific topic in an original and creative manner; (2) provided with footnotes, a bibliography, or other scholarly apparatus appropriate for a given scientific discipline. The second element of this definition is formal in nature and is easy to evaluate. It is sufficient to check whether the indicated work is a book publication provided with footnotes and a bibliography and was published by a publishing house listed as a scored one.

Scientific monographs include: (1) a reviewed translation provided with footnotes, a bibliography or other scholarly apparatus appropriate for a given scientific discipline: (a) of a work of importance for science or culture into the Polish language; (b) of a work of importance for science or culture published in Polish into another modern language; (2) a scholarly edition of source texts (§ 10 (2) of the above-cited Regulation).

It is more difficult to assess whether the work presents a scientific problem in an original and creative manner. An original solution to a scientific problem is a substantive requirement for a doctoral dissertation (Article 187(2) *in principio* LHES), and the difference consists in the fact that in the case of a monograph the aim is to present such a problem in a creative manner, while in a doctoral dissertation it is to resolve it. However, the statute does not define this concept. Bearing in mind that a monograph is intended to be a scientific achievement constituting a significant contribution to the development of a scientific discipline, it must be assumed that it is not sufficient merely to present a specific scientific problem in an original and creative manner, but that it is necessary to resolve it. The requirements for such an achievement, due to the hierarchy of scientific degrees, cannot be of lower scientific value than that of a doctoral dissertation.

The reconstruction of the content of the presenting a specific scientific problem in an original and creative manner requires, in accordance with the principle of linguistic interpretation, determining the sense of this normative expression by definitively establishing the meaning of all component phrases.⁴⁸ This involves determining the

⁴⁷ Journal of Laws of 2022, item 661.

⁴⁸ M. Zieliński, *Wykładnia prawa...*, op. cit., p. 330.

linguistic meaning of the words 'original' and 'creative'. The word 'original' means 'one that is totally independent in their work creation, not referring to any pre-existing patterns'.⁴⁹ The word 'creative' stems from the verb 'create', which means 'cause the existence of something that did not exist before'.⁵⁰ Taking into account the linguistic meaning of this combination of words, one must assume that it refers to a scientific problem presented independently and not yet developed. It is rightly emphasised in the literature that it must contain the formulation, an analysis and, in a given discipline, a solution to a new scientific problem that is important for the development of the discipline, or a solution to a problem already known but not yet resolved.⁵¹ This leads to the conclusion that a monograph indicated in the proceedings for the award of the degree of *doktor habilitowany* should not represent a lower scientific level than a doctoral dissertation.⁵²

In proceedings for the award of the degree of *doktor habilitowany* initiated after 30 September 2019, scientific monographs published earlier by publishing houses that were ultimately not included in the list of the Ministry of Science and Higher Education cannot be taken into account in the analysis of the fulfilment of the requirement of having at least one achievement in the form of a monograph (arg. ex Article 179(6)(1)(b) of the Act of 3 July 2018: Provisions implementing the Act: Law on Higher Education and Science).⁵³

The doctrine does not exclude commentaries from the scope of the monograph genre, and it is indicated that this is possible in cases where they contain explanations of provisions in a systematic manner, summarise the state of case law, present an interpretative line, and are provided with footnotes and a bibliography, using correct terminology; however, it is not their length that is decisive, but their quality.⁵⁴ A large part of the legal system containing the study of a separate issue that represents an individual contribution of a person applying for the award of the degree of *doktor habilitowany* should be treated in the same way (arg. ex Article 219(1) (2) LHES).

3.2. SERIES OF THEMATICALLY RELATED SCIENTIFIC ARTICLES

The series includes scientific articles published in scientific journals or reviewed materials from international scientific conferences that are included in the list of scientific journals and reviewed materials from international conferences. Its scope and framework are determined by the applicant for the degree of *doktor habilitowany*.

⁴⁹ H. Zgółkowa (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 26, Poznań, 2000, p. 454.

⁵⁰ H. Zgółkowa (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 43, Poznań, 2003, p. 378.

⁵¹ S. Przewłocki, 'Kryteria oceny dorobku naukowego osób ubiegających się o tytuł profesora lub stopień naukowy doktora habilitowanego w aspekcie ustawy o tytule naukowym i stopniach naukowych oraz wymagań centralnej komisji ds. tytułu naukowego i stopni naukowych', *Biuletyn Polskiego Towarzystwa Geometrii i Grafiki Inżynierskiej*, 2000, No. 10, p. 53.

⁵² K. Ślęzak, in: Baran K.W. (ed.), *Akademickie prawo...*, op. cit., p. 393; D.P. Kała, 'Szczegółowe przesłanki...', op. cit., p. 44.

⁵³ Journal of Laws of 2018, item 1669, as amended.

⁵⁴ P. Grzebyk, 'Warunki uzyskania...', op. cit., p. 75.

In accordance with § 9(1) of the Regulation on the evaluation of the quality of scientific activity, a scientific article is a reviewed article published in a scientific journal or in reviewed materials from an international scientific conference:

- (1) presenting a specific scientific problem in an original and creative, problem-solving or cross-sectional manner;
- (2) provided with footnotes, a bibliography or other scholarly apparatus appropriate for a given scientific discipline (§ 9(1)). A review article published in a scientific journal that is included in the list of scored journals is also a scientific article (§ 9(2)). Editorials, abstracts and extended abstracts, letters, errata and editorial notes are not considered scientific articles (§ 9(3)).

The series cannot include articles published in reviewed materials from domestic conferences, since Article 219(1)(2)(b) LHES lays down a limitation to international conferences, nor chapters in scientific monographs, because the provision expressly indicates scientific articles published in scientific journals. This omission is unjustified, as in many cases these are scientific studies of high scientific quality and have been issued by publishing houses included in the list of scored publishers.

A series of thematically related articles should correspond to a monograph in terms of scientific value in accordance with Article 219(1)(2)(a) LHES, since it is listed as an alternative to a monograph.⁵⁵ This means that compiled individual publications demonstrate an original solution to a scientific problem, making a significant contribution to the development of the discipline of legal sciences.⁵⁶ The word 'series' means 'a closed and periodically repeatable arrangement of elements, objects, processes, phenomena, etc., occurring at a specific time (...) a single whole composed of homogeneous, interrelated events, processes, activities'.⁵⁷ This indicates that the articles must be closely related to each other so that they can be considered the equivalent of a monograph, but it is not necessary to compile them and publish them as a monograph.⁵⁸ The considerations in all these articles should focus on the same thesis, hypothesis or research hypotheses, since they must collectively qualify as a scientific achievement that makes a significant contribution to the development of this discipline. Therefore, it is not possible to accept a different view.⁵⁹ Moreover, the effort required to develop the work and the influence on the development of science should be analogous to that of a monograph.⁶⁰

The requirement of thematically related scientific articles leads to the conclusion that they should address the same scientific problem that is to be resolved. It cannot be a collection of articles addressing different research issues, even within the same science or branch of law.

⁵⁵ K. Ślęzak, 'Jednotematyczny cykl publikacji jako przesłanka nadawania stopnia doktora habilitowanego nauk prawnych', *Państwo i Prawo*, 2013, No. 7, p. 35.

⁵⁶ Rada Doskonałości Naukowej, *Postępowania...*, op. cit., p. 13.

⁵⁷ H. Zgólkowa (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 7, Poznań, 1996, pp. 329 and 330.

⁵⁸ K. Ślęzak, 'Jednotematyczny cykl...', op. cit., p. 35; M. Radajewski, 'Nadawanie stopnia...', op. cit., p. 86.

⁵⁹ H. Izdebski, in: Izdebski H., Zieliński J.M. (eds), *Prawo o szkolnictwie wyższym...*, op. cit., 2019, p. 351; P. Grzebyk, 'Warunki uzyskania...', op. cit., p. 77.

⁶⁰ M. Radajewski, 'Nadawanie stopnia...', op. cit., p. 86.

The Council of Scientific Excellence indicates that demonstrating the existence of such a series should not be limited to conceptual work by the reviewer, and that its existence generally presupposes awareness of its creation. As in the case of a doctoral dissertation, a thematically related series of articles should also be expected to be up to date and reflect the state of knowledge at the date of the commencement of the proceedings. The applicant for the degree of *doktor habilitowany* is obliged to prove that the articles in the cycle are thematically connected, e.g. by presenting it and demonstrating this connection in the first-person summary of scientific accomplishments. The assessment of the existence of a significant contribution should be made with regard to the date of submission of the application, and not the period during which the leading part or the entirety of the publications comprising the single-theme series were created.⁶¹

The number of articles included in a series cannot be determined on *a priori* grounds; it depends on the value and length of the individual articles. It is assumed in the literature that four articles form the absolute minimum, but it is rightly noted that a series should also be comparable in size to a monograph.⁶² Without questioning the general view that it is not worth being tied to a specific number of pages and that only the quality of the achievements identified in the series should be assessed, it is not possible to refrain from considering the total length of the articles.

3.3. OTHER SCIENTIFIC ACHIEVEMENTS

Other scientific achievements may include monographs other than those listed in Article 219(1)(2)(a) LHES, as well as articles and glosses.⁶³ Articles published in reviewed materials from national conferences are also considered. This group should also include commentaries and fragments of the legal system that could not be qualified as a monograph.

3.4. SIGNIFICANT CONTRIBUTION TO THE DEVELOPMENT OF THE DISCIPLINE OF LEGAL SCIENCES

The assessment of whether the scientific achievements indicated by the applicant for the award of the degree of *doktor habilitowany* represent a significant contribution to the development of the discipline of legal sciences is difficult due to the vagueness of this concept.⁶⁴ The legislator has granted reviewers a relatively large degree of discretion in this regard.

⁶¹ Ibidem, pp. 13–14.

⁶² M. Radajewski, 'Nadawanie stopnia...', op. cit., pp. 86–87.

⁶³ D.P. Kała, 'Szczegółowe przesłanki...', op. cit., p. 47.

⁶⁴ Ł. Kierznowski, *Stopnie naukowe...*, op. cit., p. 226; K. Ślebzak, in: Baran K.W. (ed.), *Akademickie prawo...*, op. cit., p. 399; K. Ślebzak, 'Przesłanki nadawania stopnia doktora, doktora habilitowanego oraz tytułu profesora a model awansów naukowych w świetle ustawy Prawo o szkolnictwie wyższym i nauce', *Nauka*, 2020, No. 2, p. 77; M. Radajewski, 'Nadawanie stop-

Due to the requirement of a contribution to the development of a scientific discipline, it is important to define the concept of science. Scientific activities are defined in Article 4(1) and (2) LHES, which provide that they include, *inter alia*, scientific research

‘that includes: (1) basic research understood as empirical or theoretical works aimed primarily at gaining new knowledge about the foundations of phenomena and observable facts without focusing on any direct commercial applications; (2) applied research, understood as works aimed at acquiring new knowledge and skills, focused on developing new products, processes or services or introducing significant improvements in them’.

It is rightly assumed in the doctrine that this definition can be adopted in promotion proceedings due to its legislative origin related to the issue of financing scientific activities.⁶⁵

In the doctrine, in its functional aspect science is defined as a system encompassing the presentation of scientific theorems and laws using research methods that ensure true, valid, complete, precise and orderly knowledge of a given subject or area of research, and in its content aspect as a system of duly justified concepts, theorems and hypotheses containing knowledge of phenomena, processes, structures, dependencies and regularities in a given field of science that is as objective and adequate as possible at a given stage of development of scientific knowledge and socio-economic practice.⁶⁶ The result of scientific investigations is the formulation of new theorems that reflect the diagnosed relationships and perceived interdependencies between the studied elements, phenomena and processes.⁶⁷

The definition that is important for legal sciences states that jurisprudence has the status of a science when it uses specific methods of dogmatic and legal analysis developed by within the discipline, aimed at solving validation, inferential, interpretative or subsumptive problems concerning legal provisions, and when it makes use of methods developed in other sciences and examines law as an empirical phenomenon that is an element of culture or social reality, analysing specific facts related to law, such as psychological and social processes, and formulating empirically verifiable statements about them.⁶⁸

The word ‘contribution’ means ‘someone’s involvement in an undertaking, which is intangible support for it’.⁶⁹ The word ‘development’ means ‘a process of change leading to the improvement of something, an increase in something, or

nia...’, op. cit., p. 85; P. Grzebyk, ‘Warunki uzyskania...’, op. cit., p. 68; D.P. Kała, *Szczególnie przesłanki...*, op. cit., p. 41.

⁶⁵ M. Szydło, ‘Pojęcie nauki i osiągnięć naukowych w postępowaniach awansowych w nauce (uwagi z perspektywy nauk prawnych)’, *Państwo i Prawo*, 2022, No. 5, p. 54.

⁶⁶ J. Apanowicz, ‘Charakterystyka wiedzy o zarządzaniu’, in: Nogalski B., Apanowicz J., Rutka R., Czermiński A., Czerska M., *Zarządzanie organizacjami*, Toruń, 2002, pp. 19–21.

⁶⁷ J. Apanowicz, *Metodologiczne elementy procesu poznania naukowego w teorii organizacji i zarządzania*, Gdynia, 2000, p. 21.

⁶⁸ T. Pietrzykowski, *Naturalizm i granice nauk prawnych. Esej z metodologii prawoznawstwa*, Warszawa, 2017, pp. 46 et seq.; M. Szydło, ‘Pojęcie nauki...’, op. cit., p. 57.

⁶⁹ H. Zgólkowa (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 45, Poznań, 2004, p. 427.

the achievement of a higher level in some respect'.⁷⁰ The word 'significant' means 'of great importance, occurring in large quantity or number',⁷¹ 'relatively large in some respect, substantial, not small',⁷² 'quite large in number, quantity and intensity, substantial, not small, sizeable'.⁷³

From a linguistic perspective, this refers to the kind of scholarly accomplishment that leads to the achievement of a higher level of science, in this case legal sciences. The linguistic meaning of the word 'significant' indicates that quantity is important, but given that the *verba legis* refers to 'a significant contribution to the development of a specific discipline', one cannot carry out only a quantitative assessment of publications. It is rightly pointed out in the doctrine that there are individuals who publish extensively on the same topic; however, duplication of content does not necessarily mean that they have created an achievement that makes a significant contribution to the discipline.⁷⁴ It is reasonably assumed in the literature that this criterion is quantitative and qualitative in nature, and therefore only those achievements that are both sufficiently comprehensive and represent an appropriate level of substantive merit can be considered a significant contribution to the development of a given discipline.⁷⁵ This refers to the overall substantive merit of the achievements (importance, excellence) and their significance for the discipline (a substantively significant contribution).⁷⁶

The judicature rightly states that:

- 'It is not very important whether the author's scientific achievements constituting a contribution to the development of science comprise a single work or a series of thematically related publications, but rather the substantive value of these works or publications. In other words, the structure of the publications and their quantity are less important, while their scientific quality is more important.'⁷⁷
- 'The concept of the "significance" of achievements does not have a statutory definition. The assessment of the significance of achievements is at the entity's discretion, somewhat akin to administrative discretion, and an administrative court cannot examine the substantive aspect of this premise; however, it is possible to examine the process by which the entity "arrived" at specific conclusions and what "principles" it followed. As a result, an administrative court may determine whether the entity's assessment is arbitrary or unfounded. The assessment of the significance of scientific achievements precedes the initiation of the habilitation proceedings, but it cannot go beyond a preliminary

⁷⁰ M. Dunaj (ed.), *Nowy słownik języka polskiego*, Warszawa, 2007, p. 609.

⁷¹ H. Zgórkowa (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 50, Poznań, 2005, p. 20.

⁷² M. Dunaj (ed.), *Nowy słownik...*, op. cit., p. 81.

⁷³ S. Dubisz (ed.), *Uniwersalny słownik języka polskiego. Tom 4: T–Ż*, Warszawa, 2006, p. 1046.

⁷⁴ P. Grzebyk, 'Warunki uzyskania...', op. cit., p. 78.

⁷⁵ K. Ślebzak, in: Baran K.W. (ed.), *Akademickie prawo...*, op. cit., p. 399; D.P. Kała, 'Szczegółowe przesłanki...', op. cit., p. 41; judgment of the Supreme Administrative Court of 3 February 2016, I OSK 2371/15, LEX no. 1976381.

⁷⁶ P. Pokorny, P. Waszkiewicz, in: Jakubowski A. (ed.), *Prawo o szkolnictwie...*, op. cit., margin number 6 to Article 219.

⁷⁷ Judgment of the Voivodeship Administrative Court in Warsaw of 5 December 2018, II SA/Wa 1991/17, LEX no. 2734653.

stage. The preliminary nature of this assessment does not mean, however, that it can be general or superficial. Such an assessment must be conducted reliably, meticulously, and contain a reasoned answer to the question concerning the “significance” of the applicant’s scientific achievements. It should be emphasised that the applicant’s future scientific career depends on this assessment, and therefore every effort should be made to fully and clearly explain the reasons for not recognising the achievements as significant (provided such conclusions are reached).⁷⁸

It is rightly assumed in the doctrine that ‘contributions to the development of science are research achievements and publications that systematise and enrich theoretical knowledge, as well as contain specific solutions (guidelines, recommended methods of action) for economic practice – important and useful from the point of view of the scope of research issues that are the domain of a given scientific discipline’.⁷⁹

It is not possible to agree with the view that a fairly good substantive level of achievements is sufficient.⁸⁰ Article 219(2) *in principio* LHES refers not to any achievement, but to a scientific achievement. The word ‘achievement’ means ‘reaching a peak in size, number, etc.’⁸¹ There is no doubt that the linguistic interpretation of the phrase ‘scientific achievement’ clearly indicates that it refers to works of higher than average substantive quality. One may share the opinion that a very high level of achievements may justify their relatively lower number,⁸² but not the other way round. A scientific achievement should contain original solutions to a scientific problem and demonstrate a specific substantive level of knowledge. It is rightly assumed in the doctrine that it should be a scientific achievement: (1) for which there is no doubt that it concerns issues that have not been addressed at all so far or have not been addressed to the same extent as in the achievement being assessed; therefore, it must have the value of novelty; (2) meeting the requirements for doctoral dissertations; (3) for which the state of science (knowledge) before and after the presentation of the reviewed achievement(s) has undergone a favourable change; (4) the discussed change must be significant in the opinion of representatives of a given discipline, in particular the reviewers.⁸³

It is rightly emphasised in the literature that works that do not make contributions to the development of a discipline include those: (1) which lack a clear hypothesis and research questions, which indicates that the writer is unable to apply appropriate research methodology; (2) which are purely descriptive in nature, as they do not develop the discipline but are merely informative; (3) which contain glaring factual errors or incorrect terminology; (4) which demonstrate a lack

⁷⁸ Judgment of the Supreme Administrative Court of 17 August 2010, I OSK 720/10, LEX no. 1264918.

⁷⁹ W. Walczak, ‘Postępowania habilitacyjne według znowelizowanych przepisów – analiza wielowymiarowa’, *E-mentor*, 2013, No. 4.

⁸⁰ M. Radajewski, ‘Nadawanie stopnia...’, *op. cit.*, p. 86.

⁸¹ H. Zgólkowa (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 27, Poznań, 2000, p. 18.

⁸² M. Radajewski, ‘Nadawanie stopnia...’, *op. cit.*, p. 86.

⁸³ K. Ślęzak, in: Baran K.W. (ed.), *Akademickie prawo...*, *op. cit.*, p. 399.

of a reliable review of Polish and leading foreign literature and case law, and in particular omit basic literature; (5) which frequently contain hedging statements that only selected issues are discussed or that the work is merely a contribution to larger issues, which indicates an inability to thoroughly investigate a given topic and a desire to conceal gaps in knowledge; (6) which have not been distributed for reasons attributed to the habilitation applicant, e.g. the purchase of the entire publication volume by the author, which prevented the work from contributing to the development of the discipline since it was unavailable.⁸⁴

The score assigned to a given publisher or journal for the purposes of the evaluation of scientific entities does not determine the value of a publication; rather, it is the reputation of a journal or publisher in a given sub-discipline that matters.⁸⁵ Nevertheless, when all or the vast majority of studies have been published in low-scored journals, which are moreover regional rather than national, this may raise doubts as to whether they can qualify as a significant contribution to the development of a given discipline. Publications in high-scored journals, as a rule, are subject to a thorough review process. However, it seems too far-fetched to conclude that a lack of publications in journals recognised in a given discipline should be interpreted as disqualifying the applicant's achievements.⁸⁶

What determines the scientific value of achievements are not bibliometric indicators or other scientometric parameters; what is crucial is the content of the publication that describes the results obtained and the conclusions drawn.⁸⁷ The justification for the Bill: Law on Higher Education and Science explicitly emphasises that 'individual review of scientific achievements shall always remain an expert assessment, in which bibliometric tools can only be of a supporting nature'.⁸⁸ A high number of citations may indicate a significant contribution to the discipline or an extremely critical reception of a given author's works.⁸⁹ Achievements positively assessed by a reviewer cannot be disqualified due to low bibliometric indicators. Conversely, poor achievements cannot be deemed to meet the statutory criteria for awarding the degree of *doktor habilitowany* solely on the basis of high bibliometric indicators.⁹⁰

⁸⁴ P. Grzebyk, 'Warunki uzyskania...', op. cit., p. 78.

⁸⁵ Ibidem, p. 79.

⁸⁶ Ibidem, p. 80.

⁸⁷ M. Gorynia, 'Recenzje...', op. cit., p. 19; D.P. Kała, 'Ogólne przesłanki...', op. cit., p. 233.

⁸⁸ Justification for the governmental Bill: Law on Higher education and Science, Sejm print no. 2446, item 42; <http://www.sejm.gov.pl/Sejm8.nsf/druk.xsp?nr=2446> (accessed: 15 September 2025).

⁸⁹ P. Grzebyk, 'Warunki uzyskania...', op. cit., p. 79.

⁹⁰ D.P. Kała, 'Ogólne przesłanki...', op. cit., p. 233.

4. REVIEW STRUCTURE

For the clarity of the arguments contained in a review, its structure (construction, composition) is crucial. A review should consist of the following parts: (1) introduction; (2) analysis and evaluation; (3) conclusions. These parts do not need to be clearly separated, although their clear indication makes the review more communicative.

4.1. INTRODUCTION

For this reason, it is necessary to present a statistical breakdown of the achievements (publications, articles and glosses) indicated by the applicant for the award of the degree of *doktor habilitowany*. If these publications pertain to different legal sciences or branches of law, it is advisable to indicate their quantitative classification. This will allow for the immediate identification of the subject matter of the applicant's primary research activity. It is also necessary to list the monographs or series of thematically related scientific articles indicated in the application for the instigation of the habilitation proceedings.

There is no reason to provide, as occurs in practice, information on the procedure for appointing a given person as a reviewer, the subject of the review with reference to statutory provisions, or the data of the applicant for the award of the degree of *doktor habilitowany*.

4.2. ANALYSIS AND EVALUATION

The analysis and evaluation of a monograph or monographs and a series or series of thematically related scientific articles are carried out first, as they are the most important works among the scientific achievements of the applicant for the award of the degree of *doktor habilitowany*. Other scientific achievements are then subject to analysis and assessment.

4.2.1. FORMAL ASSESSMENT

Before the substantive assessment of the content of scientific achievements, it is essential to check whether the publisher of the monograph is included in the list of scored publishers and whether the articles in the series or the materials from international conferences are included in the list of scientific journals and reviewed materials from international conferences.

As regards articles, it is necessary to verify whether they are provided with footnotes, a bibliography or other scholarly apparatus appropriate to a given scientific discipline.

4.2.2. SUBSTANTIVE CONTENT ASSESSMENT

Substantive analysis and assessment of achievements begin with checking whether the introduction contains all the necessary elements that characterise scientific papers and whether their justification is convincing. This includes the indication of: (1) the justification for the choice of the topic; (2) the scientific problem; (3) the aim of the work; (4) the thesis or theses; (5) the hypothesis or hypotheses; (6) the research methods.

All these elements are subject to verification in the course of the analysis of the publications submitted.

4.2.2.1. CHOICE OF THE TOPIC ASSESSMENT

In the linguistic sense, a topic is 'the main, fundamental subject of a conversation, picture, work, lecture, etc.'⁹¹ Thus, the topic of a dissertation is the issue it addresses.⁹² It constitutes a synthetic description of the research problem being resolved in the dissertation.⁹³ This means that the topic should encompass the basic keynote of the scientific work. The topic is the nucleus of the dissertation and, as suggested in the literature, 'often appears before any research activities are undertaken, and at other times only after the research thesis has been formulated.'⁹⁴ It is also necessary to refer to the title of the scientific achievement, since it is a verbal expression of the subject.⁹⁵ From the linguistic point of view, a 'title' is 'the name given to a scientific work (...) or part of a work (...) by the author, publisher or distributor'.⁹⁶ It is a concise and succinct expression of the dissertation's topic, adequate to the topic itself and the dissertation's content, a verbal presentation of the conducted research formulated in writing.⁹⁷ It should clearly indicate the issue addressed in the dissertation. It should be formulated in a problem-oriented rather than a descriptive manner.⁹⁸ Therefore, it is assessed whether the title has been formulated appropriately and whether the scientific issue reflected in the title has been the subject of scientific exploration, and if so, whether it has been adequately deepened, as well as what the rationale behind this development was.

⁹¹ H. Zgółkowa (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 42, Poznań, 2003, p. 371.

⁹² J. Zieliński, *Metodologia pracy naukowej*, Warszawa, 2012, p. 36.

⁹³ K. Kuciński, 'Wprowadzenie', in: Kuciński K. (ed.), *Elementy metodyki rozprawy doktorskiej*, Warszawa, 2015, p. 13.

⁹⁴ E. Niedzielska, *Mały poradnik autora i recenzenta pracy akademickiej*, Wrocław, 1993, p. 11.

⁹⁵ J. Zieliński, *Metodologia...*, op. cit., p. 36.

⁹⁶ H. Zgółkowa (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 43, Poznań, 2003, p. 421.

⁹⁷ J. Zieliński, *Metodologia...*, op. cit., p. 36.

⁹⁸ K. Duraj-Nowakowa, *Pisarstwo naukowe studentów*, Kraków, 2019, p. 41.

4.2.2.2. PUBLICATION STRUCTURE ASSESSMENT

A thorough assessment of a scientific work cannot be carried out without considering its structure, which is crucial primarily for the clarity of reasoning. There should be statements on whether the material is divided into chapters according to clear criteria, whether the chapters are arranged in such a way that they are logically interconnected, and whether smaller editorial units have been appropriately distinguished.

4.2.2.3. SCIENTIFIC PROBLEM ASSESSMENT

The assessment of the scientific problem, the essence of which lies in its perception, formulation and original solution, is of key importance.⁹⁹ Defining the research problem of the scientific work consists in:

‘precise formulation of the research (scientific) problem, i.e. asking a fundamental (general) research question, determining the place of the investigated issue in the discipline, in this case in legal sciences, analysing the content of the research problem by isolating its components and presenting them in the form of detailed issues (working questions), establishing the basic assumptions and scope of research resulting from various structural and organisational conditions of a given study, and presenting and justifying the relevance of the research problem and its importance for scientific knowledge’.¹⁰⁰

A scientific problem is a complex component and its clarification requires detailed questions:

‘Their formulation, as is rightly noted in the literature, facilitates the analysis of the entire issue, aids research planning, promotes better selection of research tools, and protects the researcher from omitting important aspects of the problem being studied or from delving into areas loosely related or even entirely unrelated to the subject of the study’.¹⁰¹

In the context of these statements, it is difficult for the reviewer not to address the question whether this problem is of such importance that it is suitable for scientific study in a work constituting a scientific achievement that makes a significant contribution to the development of a specific discipline. It is necessary to analyse the justification for selecting the indicated problem, in particular whether it has been demonstrated to be of real significance, the nature of its connections with other problems, and whether its importance has been evaluated.¹⁰²

⁹⁹ K. Kuciński, ‘Wprowadzenie’, op. cit., p. 11.

¹⁰⁰ J. Apanowicz, *Metodologia ogólna*, Gdynia, 2002, p. 99; A. Żebrowska, ‘Istota problemu badawczego’, in: Kuciński K. (ed.), *Elementy metodyki rozprawy doktorskiej*, Warszawa, 2015, p. 151.

¹⁰¹ M. Krajewski, *O metodologii nauk i zasadach pisarstwa naukowego*, Płock, 2020, p. 59.

¹⁰² J. Zieliński, *Metodologia...*, op. cit., p. 37.

4.2.2.4. RESEARCH OBJECTIVE ASSESSMENT

A scientific work must have a cognitive objective, the attainment of which enriches theory to some extent.¹⁰³ The objective determines the research intention, not the problems and issues that constitute the need for the study, and it should not be confused with research questions, the answers to which are sought in the collected data. It concerns indicating a designated, future, anticipated and desired state of affairs.¹⁰⁴

The objective encompasses the aims, intentions, or the main idea of the research paper. The research objective is what the researcher intends to achieve through research. The objective must clearly indicate the author's intended contribution to science, e.g. criminal law, civil law, or criminal procedure law. This should be the primary objective, but secondary (additional, specific, ancillary) objectives may also be formulated.¹⁰⁵

The assessment of the set objective should include: firstly, the justification for its choice; secondly, the method and scope of its attainment.

4.2.2.5. RESEARCH THESIS ASSESSMENT

From the linguistic point of view, a thesis is 'a statement the content of which is fundamental to a given field, requiring proof; an assumption on which further arguments are based; a conclusion that must be proved based on accepted premises'.¹⁰⁶ It is a certain assumption, statement, question, or conclusion concerning the subject of research that must be investigated, learnt and proved. It is a detailed indication of the research problem expressed in a statement or question concerning what should be examined, learnt and proved.¹⁰⁷ It is a statement the content of which is fundamental for a given field, an assumption that is to be proved. It is always proved following specific assumptions on the basis of which evidence is provided that allows for the acceptance or rejection of the thesis, thus formulating a statement that is of key importance for the given field.¹⁰⁸

The review should contain statements concerning the validity of the thesis and the degree to which it has been substantiated. The result of this assessment is one of the most important parts of the review, as the discussion throughout the entire paper focuses on it, because the thesis constitutes a synthetic determination of what the paper is to contribute to science.¹⁰⁹

¹⁰³ C. Sikorski, *Krótki przewodnik dla doktorantów Wydziału Zarządzania Uniwersytetu Łódzkiego. Rozprawy doktorskie w zakresie nauk o zarządzaniu*, Łódź, 2016, p. 12.

¹⁰⁴ A.M. Jeszka, 'Problemy badawcze i hipotezy w naukach o zarządzaniu', *Organizacja i Kierowanie*, 2013, No. 5, p. 32; H. Witczak, 'Problemy i twierdzenia naukowe', in: Sławińska M., Witczak H. (eds), *Podstawy metodologiczne prac doktorskich*, Warszawa, 2012, p. 73.

¹⁰⁵ R.A. Stefański, 'Metodyka przygotowania rozprawy doktorskiej', in: Izdebski H., Łazarz A. (eds), *Metodologia dysertacji doktorskiej dla prawników. Teoria i praktyka*, Warszawa, 2022, p. 150.

¹⁰⁶ H. Zgółkowska (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 42, Poznań, 2003, p. 444.

¹⁰⁷ J. Apanowicz, *Metodologia...*, op. cit., p. 46; A. Talun, 'Teza', in: Kuciński K. (ed.), *Elementy metodyki rozprawy doktorskiej*, Warszawa, 2015, p. 155.

¹⁰⁸ A.M. Jeszka, 'Problemy badawcze...', op. cit., p. 33.

¹⁰⁹ K. Kuciński, 'Wprowadzenie', op. cit., p. 11.

4.2.2.6. RESEARCH HYPOTHESIS ASSESSMENT

A research hypothesis or research hypotheses constitute the development of a thesis; their formulation involves changing the grammatical form of the problem question from a statement into a conjecture. While a thesis is proved, a hypothesis is subject to testing. The word 'hypothesis' (from Greek *hypóthesis* and Latin *hypothesis*) means 'a scientific assumption put forward to explain a phenomenon, an assumption based on probability, aimed at discovering certain phenomena or laws'.¹¹⁰ A hypothesis is defined in the doctrine as 'a conjecture, an uncertain statement, a research assumption that is aimed at explaining specific events and facts or predicting the occurrence of new ones; hypotheses are formulated in order to discover certain laws and generalisations'.¹¹¹ The essence of a research hypothesis is essentially the formulation of a certain presumption concerning the co-occurrence or co-variation of the phenomena under examination (descriptive hypotheses) or their genesis (causal hypotheses). A hypothesis must be substantiated with the use of the current state of knowledge and should: (1) address significant issues; (2) be unambiguously formulated; (3) not contradict previously proved statements; (4) be testable with the use of appropriate methods, techniques and research tools.¹¹² Apart from the main hypothesis, specific hypotheses derived from it may be indicated, depending on the type of research problem.

The review considerations regarding the research hypothesis should focus on verifying whether it meets the characteristic features indicated above and should also clearly state whether it has been confirmed or refuted (positively or negatively verified).

4.2.2.7. ASSESSMENT OF THE APPROPRIATE USE OF RESEARCH METHODS

The application of research methods appropriate to legal sciences serves to address the scientific problem presented. The discussion of a scientific problem should be accomplished using research methods that ensure the high quality and reliability of the results obtained.¹¹³ A method is 'a precisely defined procedure for the purpose of scientific examination of a given fragment of reality'.¹¹⁴ As indicated in the literature, methods must be appropriate and efficient, purposefully selected and planned, and consciously applied with regard to the content of the research, which should take into account the effectiveness and applicability of a given method. They must also be appropriate to the concept of solving the research problem, the purpose of the intended research, and the resources available.¹¹⁵

¹¹⁰ H. Zgólkowa (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 13, Poznań, 1997, p. 414.

¹¹¹ S. Nowak, *Metodologia badań społecznych*, Warszawa, 2007, p. 33.

¹¹² B. Klepacki, 'Wybrane zagadnienia związane z metodologią badań naukowych', *Roczniki Nauk Rolniczych. Seria G*, 2009, Vol. 96, No. 2, p. 42.

¹¹³ S. Przewłocki, 'Kryteria oceny...', op. cit., p. 53.

¹¹⁴ M. Dunaj (ed.), *Nowy słownik...*, op. cit., p. 308.

¹¹⁵ J. Apanowicz, *Metodologia...*, op. cit., p. 60; J. Kawa, 'Metodologia, metodyka, metoda jako podstawa wywodu naukowego', *Studia Prawnoustrojowe*, 2013, No. 21, p. 177.

Typically, one method is used as the primary one, and others are complementary. Researchers should choose such research methods as best enable them to achieve the research objectives and verify hypotheses.

It is necessary to state in the review whether all research methods appropriate to solving the research problem have been used and whether they have been applied in an appropriate manner.

4.2.2.8. ASSESSMENT OF THE SIGNIFICANT CONTRIBUTION TO THE DEVELOPMENT OF THE DISCIPLINE OF LEGAL SCIENCES

It is rightly assumed in the doctrine that a reliable assessment of the fulfilment of the statutory requirement of a significant contribution of the assessed achievements to the development of the discipline of legal sciences, first and foremost, requires determining whether the accomplishments of the applicant for the award of the degree of *doktor habilitowany* qualify as achievements and are scientific in nature. It is necessary to state and substantiate that these achievements represent a considerable contribution to the development of a specific legal science or a branch of law.

In the event of a negative assessment, a detailed justification must be provided as to why the assessed achievements should not be considered: (1) scientific achievements; or (2) as constituting a significant contribution to the development of a specific legal science.

4.2.2.9. OTHER ASSESSMENTS

It is difficult to imagine failing to include a comment in the review on the complete use of literature, including basic foreign studies on the analysed topic, as well as case law.

Comments concerning the formal aspects of the reviewed works are also important. It is necessary to comment on whether the reviewed publications are linguistically correct, written to an appropriate standard, and free from errors in spelling, inflection, punctuation, syntax and style. It is very important to assess the use of an appropriate conceptual framework within a given scientific field, which, alongside scientific terminology, scientific methods and research methodology, is considered one of the theoretical foundations of conducting scientific work.¹¹⁶ It is obvious that in works in the field of legal sciences, special attention should be paid to the writer's use of legal and juridical language. The distinction between these two languages, as is rightly emphasised in the doctrine, is not merely theoretical but primarily practical, as it leads to the organisation of research issues in legal sciences and to distinguishing between different interpretations of assertions in legal statements.¹¹⁷

Legal language is that in which normative acts are formulated; it is the language used by the legislator, the language of statutes, decrees, regulations, and other legal acts.¹¹⁸ Legal language is based on everyday language but differs from it primarily

¹¹⁶ J. Zieliński, *Metodologia...*, op. cit., p. 29.

¹¹⁷ J. Pieńkos, *Podstawy juryslingwistyki. Język w prawie – prawo w języku*, Warszawa, 1999, p. 14; Z. Ziemiński, *Problemy podstawowe prawoznawstwa*, Warszawa, 1980, p. 81.

¹¹⁸ J. Pieńkos, *Podstawy juryslingwistyki...*, op. cit., p. 14.

in its specific semantic rules concerning the assignment of meanings to terms, phrases and expressions contained in applicable legal texts. Legal language is also situated in relation to other varieties of contemporary Polish and is: (a) a variety of everyday language; (b) a variety of general, common language; (c) a generic (special, specialist) language.¹¹⁹

In turn, juridical language is the one 'used by lawyers practising law'.¹²⁰ It is the language in which various types of statements about applicable law are formulated. This language is used to draft court rulings and administrative decisions, as well as statements in the field of jurisprudence. As a result, two language varieties related to juridical practice are distinguished in the literature: adjudication-related juridical language and non-adjudication-related juridical language.¹²¹

The correctness of footnote development, including multiple citations of the same publication in shortened form, should also be assessed.

5. REVIEW QUALITY

Drafting a review properly requires reviewers to demonstrate technical proficiency and extensive, in-depth knowledge of the field to which the reviewed work belongs.¹²² Reviewers must thoroughly familiarise themselves with the reviewed works and make every effort to assess honestly and fairly their professional and cognitive value, independence, and innovation in accordance with the current state of the scientific discipline they represent, statutory requirements, and academic practices for reviewers in a given type of procedure. The review should honestly present the content of the reviewed scientific achievements and contain clear and well-reasoned assessments of the individual components of the documentation presented to the reviewer, in particular the scientific theses contained therein.¹²³

The review should: (1) contain a thorough substantive assessment, and the comments contained therein should be properly substantiated; (2) be constructive, free from malicious and personal comments directed at the author of the material being assessed, because it is the work itself that is being assessed, not its author.¹²⁴

The review should be reliable, meticulous, thorough, and objective, and its assessments should be substantiated.¹²⁵ The reasoning therein must be clear and precise, since the scientific achievements being assessed are intended to demonstrate scientific maturity.¹²⁶ It is rightly emphasised that reviews should be complete and

¹¹⁹ R. Łapa, *Język prawny w świetle analizy językoznawczej Wybrane zagadnienia składniowe*, Poznań, 2015, p. 47.

¹²⁰ B. Wróblewski, *Język prawny i prawniczy*, Kraków, 1948, p. 136.

¹²¹ M. Zieliński, 'Języki prawne i prawnicze', in: Pisarek W. (ed.), *Polszczyzna 2000. Orędzie o stanie języka na przełomie tysiącleci*, Kraków, 1999, pp. 63–64.

¹²² M. Mazur, '(Nie)recenzenci i (nie)recenzje', *Forum Akademickie*, 2017, No. 9.

¹²³ Ministerstwo Nauki i Szkolnictwa Wyższego, *Dobre praktyki...*, op. cit., pp. 11 and 16.

¹²⁴ G. Węgrzyn, 'Recenzenci i recenzje: kryzys recenzowania', *Debaty PAU*, 2016, Vol. III, p. 87.

¹²⁵ M. Gorynia, 'Recenzje...', op. cit., p. 18.

¹²⁶ P. Grzebyk, 'Warunki uzyskania...', op. cit., p. 78.

their assessments duly justified. Reviews that lack adequate justification, whether positive or negative, are improper.¹²⁷

It is rightly emphasised in the doctrine that a reviewer writing a positive review should answer the question whether the applicant for the award of the degree of *doktor habilitowany* offers a guarantee of reliability in conducting research, whether they do not commit substantive errors, whether they use legal terminology correctly, and whether they honestly present their achievements, as this is what they are expected to teach doctoral students. A review should be negative if, in the course of the proceedings, the applicant cannot properly describe their achievements, claims authorship of someone else's work, inflates the number of citations to validate their impact on science, fails to consult original sources and repeatedly quotes data from others without verifying it, is unable to assess the reliability of sources, and fails to consult foreign publications relevant to the research topic.¹²⁸

6. CONCLUSION

The review should end with a clearly expressed, unambiguous conclusion, i.e. it should be either positive or negative.

The review should conclude with an unequivocal statement that the scientific achievements of the applicant for the award of the degree of *doktor habilitowany* either do or do not constitute a significant contribution to the development of the discipline of legal sciences. Such a conclusion is a norm laid down in Article 221(8) LHES, which stipulates that reviewers assess *verba legis* 'whether the scientific achievements of the person applying for the award of the degree of *doktor habilitowany* meet the requirements laid down in Article 219(1)(2)'. The provision referred to requires the possession of scientific achievements constituting a significant contribution to the development of a specific discipline.

Therefore, a positive review should conclude with a statement that the person applying for the award of the degree of *doktor habilitowany* (mentioned by first name and surname) has scientific achievements, including a monograph published by a publishing house included in the list of the Ministry of Higher Education and Science (MHES), or a series of thematically related articles published in scientific journals or reviewed materials from international conferences included in the MHES list, constituting a significant contribution to the development of the discipline of legal sciences. Thus, these scientific achievements meet the requirements laid down in Article 219(1)(2) of the Act of 20 July 2018, Law on Higher Education and Science (Journal of Laws of 2024, item 1571, as amended).

There are no reasons for concluding the review with a motion to award the applicant the degree of *doktor habilitowany* in the field of social sciences – discipline of legal sciences, or to admit them to further stages of the proceedings for the conferment of the degree of *doktor habilitowany* in the field of social sciences –

¹²⁷ Rada Doskonałości Naukowej, *Recenzje w postępowaniach...*, op. cit., p. 6.

¹²⁸ P. Grzebyk, 'Warunki uzyskania...', op. cit., p. 71.

discipline of legal sciences. There are no normative grounds for such motions; reviewers are not entitled to do this, especially as they do not assess all aspects of the award of this degree, e.g. scientific activity at more than one higher education or scientific institution, in particular a foreign one (Article 219(1)(3) LHES).

A negative review should include a denial of this statement.

The conclusion should be consistent with the content of the review. In practice, an inconsistent review constitutes a significant problem.¹²⁹ As is rightly noted in the literature, the authors of such reviews seek to reconcile three goals: (1) to write a positive review; (2) to present the weak points of the reviewed work; (3) to distance themselves and make the first and second intentions at least minimally consistent. The conclusions of such reviews include the assessment that a given achievement 'minimally', 'moderately' or 'sufficiently' meets the statutory criteria, and the reviewer, being 'aware of some shortcomings' or 'hesitantly', requests the award of the degree.¹³⁰ Such practices, as is rightly emphasised in the literature, lead to the degradation of Polish science and to a further decline in its quality.¹³¹ It is particularly unacceptable to write a review consisting primarily of criticism but culminating in a positive conclusion.¹³²

7. REVIEW FORM

The statute does not specify the form of the review. Undoubtedly, it should be in writing, signed manually or electronically with the use of a qualified electronic or trusted signature. The review should not be perfunctory and, in terms of length, it should meet the standards accepted for a given type of procedure.¹³³

8. REVIEW DUE DATE

In accordance with Article 221(8) LHES, within eight weeks of the date of receipt of the application, reviewers shall assess whether the scientific achievements of the person applying for the degree of *doktor habilitowany* correspond to the requirements set out in Article 219(1)(2) and prepare the review. The above term is instructive, as there are no procedural consequences for exceeding it.¹³⁴

¹²⁹ For more see Ł. Remisiewicz, 'Niespójność recenzji a wynik postępowania habilitacyjnego. Próba analizy w dyscyplinie socjologia', *Nauka*, 2019, No. 4, pp. 109–127.

¹³⁰ *Ibidem*, p. 109.

¹³¹ A. Gliszczyńska-Grabias, K. Osajda, 'Kariera naukowa i finansowanie nauki z perspektywy młodych naukowców', *Nauka*, 2016, No. 3, p. 125.

¹³² Ministerstwo Nauki i Szkolnictwa Wyższego, *Dobre praktyki...*, op. cit., p. 16.

¹³³ *Ibidem*.

¹³⁴ Judgment of the Supreme Administrative Court of 12 July 2022, II OSK 1414/21, LEX no. 3421472; judgment of the Voivodeship Administrative Court in Warsaw of 8 March 2019, II SA/Wa 1004/18, LEX no. 2771139; judgment of the Voivodeship Administrative Court in Warsaw of 21 November 2014, II SA/Wa 108/14, LEX no. 1816212; judgment of the Voivodeship Administrative Court in Warsaw of 8 March 2019, II SA/Wa 1004/18, LEX no. 2771139.

9. CONCLUSIONS

1. Reviews in promotion proceedings, including those for the award of the degree of *doktor habilitowany*, are of key importance because they provide a substantive assessment of the scientific achievements of the candidate for the degree, which constitute essential material for the habilitation committee and the habilitation entity (scientific council, faculty council). Their importance stems from their substantive content, which is discussed by individuals having the highest scientific qualifications, i.e. holders of the degree of *doktor habilitowany* or the title of professor, as well as possessing current scientific achievements and a recognised reputation, including international recognition.
2. The subject of the review is the assessment of published scientific achievements indicated by an applicant for the award of the degree of *doktor habilitowany* in the context of a significant contribution to the development of a specific discipline of legal sciences or a branch of law. This concerns scientific achievements in the form of a scientific monograph or a series of thematically related articles published in scientific journals or reviewed materials from international conferences, as well as other articles, glosses, commentaries and fragments of the system of law.
3. A series of thematically related scientific articles should correspond in scientific value to a scholarly monograph, as Article 219(1)(2)(a) LHES lists it as an alternative to a monograph. This means that the compiled individual publications should present an original solution to a scientific problem and make a significant contribution to the development of the discipline of legal sciences. The considerations in all articles should focus on the same thesis, hypothesis or research hypotheses, as they must collectively constitute a scientific achievement that makes a significant contribution to the development of that discipline.
4. Scientific achievements that constitute a significant contribution to the development of the discipline of legal sciences are studies of an above-average substantive level, containing original solutions to a scientific problem.
5. The reviewer's task is not to assess whether an applicant for the degree of *doktor habilitowany* has met the requirements for its award and has demonstrated significant scientific activity carried out in more than one higher education or scientific institution, in particular a foreign one. The exclusion of this requirement results from the reference made in Article 221(8), specifying the subject of the review, to Article 219(1)(2) LHES, which contains the requirement of having scientific achievements that constitute a significant contribution to the development of a specific scientific discipline, while point (3) thereof, concerning scientific activity, has been omitted. This is an incorrect solution because the reviewer, as an eminent expert in the specific legal science or a branch of law to which the scientific activity of the applicant for the degree of *doktor habilitowany* relates, is fully qualified to assess the applicant's scientific activity as well.
6. The review should consist of the following parts: (1) introduction; (2) analysis and assessment; (3) conclusion or conclusions. Their clear indication makes the review more communicative.

The purpose of the introduction is to present the subject of the review, and its content should include general considerations regarding the scientific achievements being assessed.

The analysis and evaluation should include a formal assessment and a substantive assessment, including assessment of the choice of topic, the structure of the study, the scientific problem, the research objective, the research thesis, the research hypothesis, the validity of the research methods used, the significant contribution to the development of the discipline of legal sciences, completeness of the use of literature, formal aspect, language, and the correctness of footnotes.

The review should end with a clearly expressed, unambiguous conclusion, i.e. it should be either positive or negative. It should end with an unequivocal statement that the achievements of the applicant for the award of the degree of *doktor habilitowany* do or do not constitute a significant contribution to the development of the discipline of legal sciences.

BIBLIOGRAPHY

- Apanowicz J., 'Charakterystyka wiedzy o zarządzaniu', in: Nogalski B., Apanowicz J., Rutka R., Czermiński A., Czerska M., *Zarządzanie organizacjami*, Toruń, 2002.
- Apanowicz J., *Metodologia ogólna*, Gdynia, 2002.
- Apanowicz J., *Metodologiczne elementy procesu poznania naukowego w teorii organizacji i zarządzania*, Gdynia, 2000.
- Dajnowicz-Piesiecka D., Kierznowski Ł., 'Awanse naukowe młodych naukowców (perspektywy i wyzwania)', *Państwo i Prawo*, 2022, No. 5.
- Dubisz S. (ed.), *Uniwersalny słownik języka polskiego. Tom 4: T–Ż*, Warszawa, 2006.
- Dunaj M. (ed.), *Nowy słownik języka polskiego*, Warszawa, 2007.
- Duraj-Nowakowa K., *Pisarstwo naukowe studentów*, Kraków, 2019.
- Gliszczyńska-Grabias A., Osajda K., 'Kariera naukowa i finansowanie nauki z perspektywy młodych naukowców', *Nauka*, 2016, No. 3.
- Gorynia M., 'Recenzje w postępowaniach naukowych', *Forum Akademickie*, 2025, No. 3.
- Grudek M., 'Liczba osiągnięć naukowych albo artystycznych, stanowiących znaczny wkład w rozwój określonej dyscypliny, konieczna do wykazania we wniosku habilitacyjnym', *Roczniki Administracji i Prawa*, 2022, No. 2.
- Grudek M., 'Osiągnięcie naukowe albo artystyczne stanowiące znaczny wkład w rozwój określonej dyscypliny w rozumieniu ustawy prawo o szkolnictwie wyższym i nauce', *Roczniki Administracji i Prawa*, 2022, No. 2.
- Grzebyk P., 'Warunki uzyskania stopnia doktora habilitowanego w dyscyplinie nauki prawnej', *Państwo i Prawo*, 2022, No. 5.
- Izdebski H., in: Izdebski H., Zieliński J.M. (eds), *Prawo o szkolnictwie wyższym i nauce. Komentarz*, Warszawa, 2019.
- Izdebski H., in: Izdebski H., Zieliński J.M. (eds), *Prawo o szkolnictwie wyższym i nauce. Komentarz*, LEX/el., 2023.
- Jeszka A.M., 'Problemy badawcze i hipotezy w naukach o zarządzaniu', *Organizacja i Kierowanie*, 2013, No. 5.
- Jędrzejewski T., in: Woźnicki J. (ed.), *Prawo o szkolnictwie wyższym i nauce. Komentarz*, Warszawa, 2019.

- Kała D.P., 'Ogólne przesłanki nadania stopnia doktora habilitowanego', *Ruch Prawniczy, Ekonomiczny i Socjologiczny*, 2021, No. 1.
- Kała D.P., 'Szczegółowe przesłanki nadania stopnia doktora habilitowanego', *Ruch Prawniczy, Ekonomiczny i Socjologiczny*, 2022, No. 3.
- Kawa J., 'Metodologia, metodyka, metoda jako podstawa wywodu naukowego', *Studia Prawnoustrojowe*, 2013, No. 21.
- Kierznowski Ł., 'Rozprawa doktorska jako osiągnięcie habilitacyjne', *Opolskie Studia Administracyjno-Prawne*, 2024, No. 2.
- Kierznowski Ł., *Stopnie naukowe i stopnie w zakresie sztuki. Komentarz*, Warszawa, 2021.
- Klepcki B., 'Wybrane zagadnienia związane z metodologią badań naukowych', *Roczniki Nauk Rolniczych. Seria G*, 2009, Vol. 96, No. 2.
- Krajewski M., *O metodologii nauk i zasadach pisanstwa naukowego*, Płock, 2020.
- Kuciński K., 'Wprowadzenie', in: Kuciński K. (ed.), *Elementy metodyki rozprawy doktorskiej*, Warszawa, 2015.
- Łapa R., *Język prawny w świetle analizy językoznawczej. Wybrane zagadnienia składniowe*, Poznań, 2015.
- Mazur M., '(Nie)recenzenci i (nie)recenzje', *Forum Akademickie*, 2017, No. 9.
- Ministerstwo Nauki i Szkolnictwa Wyższego, *Dobre praktyki w procedurach recenzyjnych w nauce*, Warszawa, 2011.
- Morawski L., *Wstęp do prawoznawstwa*, Toruń, 2014.
- Morawski L., *Zasady wykładni prawa*, Toruń, 2006.
- Niedzielska E., *Mały poradnik autora i recenzenta pracy akademickiej*, Wrocław, 1993.
- Nowak S., *Metodologia badań społecznych*, Warszawa, 2007.
- Pieńkos J., *Podstawy juryslingwistyki. Język w prawie – prawo w języku*, Warszawa, 1999.
- Pietrzykowski T., *Naturalizm i granice nauk prawnych. Esej z metodologii prawoznawstwa*, Warszawa, 2017.
- Pokorny P., Waszkiewicz P., in: Jakubowski A. (ed.), *Prawo o szkolnictwie wyższym i nauce. Komentarz*, Warszawa, 2023.
- Przewłocki S., 'Kryteria oceny dorobku naukowego osób ubiegających się o tytuł profesora lub stopień naukowy doktora habilitowanego w aspekcie ustawy o tytule naukowym i stopniach naukowych oraz wymagań centralnej komisji ds. tytułu naukowego i stopni naukowych', *Biuletyn Polskiego Towarzystwa Geometrii i Grafiki Inżynierskiej*, 2000, No. 10.
- Rada Doskonałości Naukowej, *Postępowania dotyczące nadawania stopnia doktora habilitowanego. Poradnik aktualizowany*, Warszawa, 2023.
- Rada Doskonałości Naukowej, *Recenzje w postępowaniach o awans naukowy. Poradnik*, Warszawa, 2022.
- Radajewski M., 'Nadawanie stopnia doktora habilitowanego w świetle prawa o szkolnictwie wyższym i nauce', *Studia Prawno-Ekonomiczne*, 2020, Vol. CXIV.
- Remisiewicz Ł., 'Niespójność recenzji a wynik postępowania habilitacyjnego. Próba analizy w dyscyplinie socjologia', *Nauka*, 2019, No. 4.
- Sikorski C., *Krótki przewodnik dla doktorantów Wydziału Zarządzania Uniwersytetu Łódzkiego. Rozprawy doktorskie w zakresie nauk o zarządzaniu*, Łódź, 2016.
- Sitek B., Woźniak A., 'Recenzent i recenzja w świetle prawa', *Forum Akademickie*, 2025, No. 1.
- Stec P., 'Nowe ścieżki kariery akademickiej – habilitacja 2.0', *Państwo i Prawo*, 2021, No. 7.
- Stefański R.A., 'Metodyka przygotowania rozprawy doktorskiej', in: Izdebski H., Łazarska A. (eds), *Metodologia dysertacji doktorskiej dla prawników. Teoria i praktyka*, Warszawa, 2022.
- Szydło M., 'Pojęcie nauki i osiągnięć naukowych w postępowaniach awansowych w nauce (uwagi z perspektywy nauk prawnych)', *Państwo i Prawo*, 2022, No. 5.

- Ślebzak K., 'Jednotematyczny cykl publikacji jako przesłanka nadawania stopnia doktora habilitowanego nauk prawnych', *Państwo i Prawo*, 2013, No. 7.
- Ślebzak K., in: Baran K.W. (ed.), *Akademickie prawo zatrudnienia. Komentarz*, Warszawa, 2020.
- Ślebzak K., 'Przesłanki nadawania stopnia doktora, doktora habilitowanego oraz tytułu profesora a model awansów naukowych w świetle ustawy Prawo o szkolnictwie wyższym i nauce', *Nauka*, 2020, No 2.
- Talun A., 'Teza', in: Kuciński K. (ed.), *Elementy metodyki rozprawy doktorskiej*, Warszawa, 2015.
- Walczak W., 'Postępowania habilitacyjne według znowelizowanych przepisów – analiza wielowymiarowa', *E-mentor*, 2013, No. 4.
- Węgrzyn G., 'Recenzenci i recenzje: kryzys recenzowania', *Debaty PAU*, 2016, Vol. III.
- Wiktor J., 'Recenzja osiągnięć naukowych w postępowaniach awansowych – między jakością oceny a formalizmem rozstrzygnięć Ustawy 2.0', *E-mentor*, 2019, No. 1.
- Witczak H., 'Problemy i twierdzenia naukowe', in: Sławińska M., Witczak H. (eds), *Podstawy metodologiczne prac doktorskich*, Warszawa, 2012.
- Wolter W., Lipczyńska M., *Elementy logiki dla prawników*, Warszawa–Wrocław, 1973.
- Wróblewski B., *Język prawny i prawniczy*, Kraków, 1948.
- Zieliński J., *Metodologia pracy naukowej*, Warszawa, 2012.
- Zieliński M., 'Języki prawne i prawnicze', in: Pisarek W. (ed.), *Polszczyzna 2000. Orędzie o stanie języka na przełomie tysiącleci*, Kraków, 1999.
- Zieliński M., *Wykładnia prawa. Zasady, reguły, wskazówki*, Warszawa, 2010.
- Ziemiński Z., *Problemy podstawowe prawoznawstwa*, Warszawa, 1980.
- Zgółkowa H. (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 7, Poznań, 1996.
- Zgółkowa H. (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 13, Poznań, 1997.
- Zgółkowa H. (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 16, Poznań, 1998.
- Zgółkowa H. (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 26, Poznań, 2000.
- Zgółkowa H. (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 27, Poznań, 2000.
- Zgółkowa H. (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 35, Poznań, 2002.
- Zgółkowa H. (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 42, Poznań, 2003.
- Zgółkowa H. (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 43, Poznań, 2003.
- Zgółkowa H. (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 44, Poznań, 2003.
- Zgółkowa H. (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 45, Poznań, 2004.
- Zgółkowa H. (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 50, Poznań, 2005.
- Żebrowska A., 'Istota problemu badawczego', in: Kuciński K. (ed.), *Elementy metodyki rozprawy doktorskiej*, Warszawa, 2015.

Cytuj jako:

Stefański R.A. (2026), *Review in the Habilitation Proceedings in the Discipline of Legal Sciences*, *Ius Novum* (Vol. 20) 1, 75–105. DOI 10.2478/in-2026-0005