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REVIEWER IN HABILITATION PROCEEDINGS IN THE DISCIPLINE OF LEGAL SCIENCES

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Abstract

The article examines various aspects of the regulations on reviewers laid down in the Act of 20 July 2018 – Law on Higher Education and Science, in proceedings for the conferral of the postdoctoral degree of *doktor habilitowany* (*dr hab.*) [*Doctor habilitatus*] in the discipline of legal sciences. The analysis covers the concept of 'reviewer', their qualifications and role in these proceedings, the obstacles to obtain a reviewer status, and the acquisition and loss of that status. Given the requirement for high-quality reviews, it is not sufficient for a reviewer merely to represent the discipline of legal sciences; rather, they must represent the science of law or the branch of law to which the achievements of the applicant for the degree of *doktor habilitowany* relate. This is linked to the requirement that a reviewer appointed to evaluate achievements in a different science or branch of law from that in which they are involved should submit to the entity that appointed them a request to be released from their reviewing duties.

Keywords: *doktor habilitowany*, habilitation, habilitation committee, legal sciences, habilitation entity, habilitation proceedings, Council of Scientific Excellence, *Rada Doskonałości Naukowej*, RDN, reviewer

INTRODUCTION

Reviews in academic advancement proceedings, including those for the conferral of the postdoctoral degree of *doktor habilitowany*, are of significant importance, as they contain a substantive assessment of the candidate's scholarly achievements and serve as primary material for the habilitation committee and the habilitation

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entity (e.g. the Council of the Discipline of Legal Sciences or the Faculty Council). A review is a key element in the assessment of whether the applicant meets the statutory requirements for the degree of *doktor habilitowany*.[1] The Council of Scientific Excellence [*Rada Doskonałości Naukowej* – 'RDN'] rightly notes that

> 'The proper preparation of a review in habilitation proceedings by a qualified reviewer is a fundamental condition for upholding procedural norms ensuring that the proceedings are considered to have been conducted in accordance with the regulations in force, the relevant agreement, and established academic practices.'[2]

For this reason, the requirements that a reviewer must meet are of crucial importance. The regulation of this matter in the Act of 20 July 2018 – Law on Higher Education and Science[3] is notably insufficient, and there is no consensus in the literature concerning many significant issues, which is reflected in practice.

As the title of this paper suggests, its subject matter is limited to the role of a reviewer in the discipline of legal sciences. The discussion focuses in particular on legal sciences. The annex 'Classification of the fields of science, scientific disciplines and artistic disciplines' to the Regulation of the Minister of Education and Science of 11 October 2022 on the Fields of Science, Scientific Disciplines and Artistic Disciplines[4] classifies legal sciences within the field of social sciences (item 6) and as the discipline of legal sciences (item 6.7).

The article aims to assess the regulation of reviewers in proceedings for the conferment of the degree of *doktor habilitowany* in the discipline of legal sciences under the Law on Higher Education and Science, identify the practical steps involved in the appointment of reviewers, and formulate *de lege ferenda* conclusions. The research thesis is that reviewers play an important role in habilitation proceedings and that the fulfilment of this role depends on their qualifications and the manner of their appointment. The research hypothesis is based on the assumption that the statutory requirements that reviewers must meet are inadequate, taking into account the significance of their role in these proceedings. To achieve the set objectives, doctrinal-legal and logical research methods are employed.

CONCEPT OF THE 'REVIEWER'

Defining the term 'reviewer' is essential because the scope of a reviewer's authority is closely linked to the meaning of this term. In the linguistic sense, a reviewer is a 'person (whether requested or appointed) who expresses an opinion, usually in

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[1] J.W. 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.

[2] Rada Doskonałości Naukowej, *Postępowania dotyczące nadawania stopnia doktora habilitowanego. Poradnik aktualizowany*, last update: 9 August 2023; https://www.rdn.gov.pl/dobre-praktyki.poradnik-postepowania-dotyczace-nadawania-stopnia-doktora-habilitowanego.html?utm (accessed: 31 August 2026), p. 33.

[3] Journal of Laws of 2024, item 1571, as amended, hereinafter referred to as 'LHES'.

[4] Journal of Laws of 2025, item 211.

writing, regarding a specific project, plan, proposed scholarly publication, etc.'[5] It is necessary to distinguish between a reviewer and a critic.[6] In general, both terms describe a person who, using established methods, tools, and knowledge, undertakes steps to assess the value of a product of human artistic or intellectual activity.[7] It is rightly pointed out in the literature that 'critic' is an older term associated with the evaluation of literary works, whereas 'reviewer', derived from the noun 'review', carries an additional nuance: an expert or scholar evaluating the work of other scholars or aspiring researchers. A reviewer in habilitation proceedings acts as a guardian of standards and assesses the clarity of the argument, the level of detail in the description, the author's substantive contribution, references to previous achievements, the validity of the theory, and the coherence of all its aspects.[8]

Regarding the position of a reviewer in proceedings for the conferment of the degree of *doktor habilitowany*, such a person is undoubtedly not an expert witness within the meaning of Article 84 § 1 of the Code of Administrative Procedure (CAP) because, firstly, a reviewer is not appointed in accordance with this provision (but rather under Article 221(5)(3) LHES); secondly, a reviewer is not appointed after all the necessary material in the case has been collected for the purpose of establishing specific factual circumstances requiring specialised assessment; and thirdly, the bodies participating in habilitation proceedings are composed of distinguished specialists in the relevant scientific discipline.[9]

REVIEWER'S QUALIFICATIONS

Article 221(4) LHES stipulates that a reviewer appointed by the Council of Scientific Excellence in proceedings for the conferment of the degree of *doktor habilitowany* may be a person who:

(1) holds the degree of *doktor habilitowany* or the title of professor;
(2) possesses a current academic track record and an excellent reputation, including an internationally recognised one;
(3) is not an employee of the habilitation entity, nor of the university, Polish Academy of Sciences institute, research institute, international institute, or the Centre of Postgraduate Medical Education (CMKP) where the habilitation candidate is employed.

The first two conditions are positive and must be met jointly, whereas the circumstances listed in item (3) constitute grounds for disqualification from serving as a reviewer.

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[5] H. Zgółkowa (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 35, Poznań, 2002, p. 301.

[6] See A. Górska, 'Krytyk a recenzent – synonimy czy specjalistyczne terminy? Przegląd słownikowy', in: Górska A., Janiak E., Jędrasiak K. (eds), *Śmierć krytyka. Kultura uczestnictwa a przemiany krytyki XX i XXI wieku*, Łódź, 2022, pp. 13–27.

[7] M. Krauz, 'Krytyk i/a recenzent – znaczenie pojęć w słowniku i w tekście', *Słowo. Studia Językoznawcze*, 2021, No. 12, pp. 93–94.

[8] Ibidem, p. 94.

[9] Rada Doskonałości Naukowej, *Recenzje w postępowaniach o awans naukowy. Poradnik*, Warszawa, 2022, p. 3.

At first glance, it might seem superfluous to list a person holding the title of professor alongside a person holding the degree of *doktor habilitowany*, given that holding the latter is a prerequisite for obtaining the title of professor. However, the inclusion of a person holding the title of professor reflects the fact that, in exceptional cases justified by the highest quality of scientific or artistic achievements, the title of professor may be conferred upon a person holding the degree of *doktor* (Article 227(2) LHES).

A reviewer may also be a person who does not hold the degree of *doktor habilitowany* or the title of professor, nor possess a current academic track record and recognised reputation, provided that they are employed by a foreign university or research institution and the RDN or the habilitation entity determines that the person possesses a significant body of work relevant to the achievements of the candidate seeking the degree of *doktor habilitowany* (Article 221(6) LHES). This applies to reviewers appointed by either the RDN or the habilitation entity.

The requirement that a reviewer should possess a current body of scholarly work implies the existence of recent academic publications produced shortly before their appointment. Furthermore, the possession of an established reputation indicates that the reviewer is well known and regarded as an authority within the academic community of the relevant discipline. The Polish term *renoma* (reputation) means 'good standing, fame',[10] while *uznanie* (recognition) denotes 'acknowledging or accepting someone or something as being a particular person or thing or regarding someone or something as such'.[11]

These conditions indicate that the competence of a potential reviewer is determined not only by their knowledge, evidenced by a significant body of work, but also by their reputation as a reliable reviewer.[12] Nevertheless, knowledge remains the most important component of the skill set of a person involved in evaluating the products of human intellectual activity.

> 'Only someone possessing the requisite knowledge, as the literature rightly emphasises, can assess the value of a given work, view it from the creator's perspective, and substantiate the validity of the judgements formulated'.[13]

A reviewer is required to have specialist knowledge in the relevant discipline, and it is assumed that the assessment represents an objective opinion critically summarising the value of the scholarly work alone, untainted by the identity of its author.[14] When analysing and evaluating a work, a reviewer should seek positive, original and valuable information (a generative approach), and identify flaws

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[10] H. Zgółkowa (ed.), *Praktyczny słownik…*, op. cit., Vol. 35, p. 432.

[11] H. Zgółkowa (ed.), *Praktyczny słownik współczesnej polszczyzny*, Vol. 44, Poznań, 2003, p. 407.

[12] Ministerstwo Nauki i Szkolnictwa Wyższego, *Dobre praktyki w procedurach recenzyjnych w nauce*, Warszawa, 2011, p. 5.

[13] M. Krauz, 'Krytyk i/a recenzent…', op. cit., p. 94.

[14] A. Kopacz, A.M. Wieczorek, J. Protasiewicz, S. Dadas, 'Heurystyki zniekształceń poznawczych w procesie recenzowania', in: Protasiewicz J. (ed.), *Procedury recenzowania i doboru recenzentów*, Vol. I, Warszawa, 2012, p. 12.

and shortcomings (a critical approach), which makes it possible to eliminate the weaknesses of the work.[15]

The Law on Higher Education and Science does not specify the scientific discipline to which a reviewer must belong, which leads to the conclusion that they do not have to work within the same discipline. The statute leaves the choice to the entity appointing a reviewer. Taking into account the high standards of quality required of reviews,[16] the appointment of a reviewer simply because they work within the same broad scientific discipline, particularly in the legal sciences, should be considered insufficient. The discipline of legal sciences encompasses a wide range of subject areas: historical-legal sciences (general history of law, history of Polish law, Roman law), theoretical-legal sciences (theory of law, philosophy of law, sociology of law, legal doctrines) and sciences focused on specific branches of law. A branch of law is a systematically organised group of legal provisions regulating a specific area of social life in a relatively comprehensive manner.[17] These include international law, European Union law, constitutional law, administrative law, financial law, substantive criminal law, criminal procedure law, fiscal penal law, misdemeanour law, substantive civil law, civil procedure law, and employment law. Within each of these branches, further specialisations can be distinguished, e.g. tax law, local government law, environmental law, public procurement law, etc. The general rule should be to appoint a reviewer who is an independent academic researcher specialising in the specific legal science or branch of law to which the scientific achievements of the applicant for the degree of *doktor habilitowany* pertain. In addition, it is rightly suggested in the literature that the person to be appointed as a reviewer should have experience in evaluating works at least at the doctoral level in proceedings for the conferment of a doctoral degree, because such a person has experience in reviewing scholarly achievements for academic advancement and is likely to provide a more objective and balanced assessment.[18] It is also reasonable to consider the reviewer's experience in reviewing articles for legal journals or preparing publishers' reviews of monographs. Such a reviewer is undoubtedly capable of substantively evaluating achievements that constitute a significant contribution to the development of science.[19]

The Council of Scientific Excellence recommends that:

> 'Despite the absence of a formal requirement for a reviewer to represent the specific field or discipline in which the candidate is seeking the degree of *doktor habilitowany*,

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[15] M. Krauz, 'Krytyk i/a recenzent…', op. cit., p. 95.

[16] For more, see R.A. Stefański, 'Review in the Habilitation Proceedings in the Discipline of Legal Sciences', *Ius Novum*, 2026, No. 1, pp. 80–110.

[17] A. Bator, in: Bator A., Zajadło J., Zirk-Sadowski M. (eds), *Wielka encyklopedia prawa. Teoria i filozofia prawa*, Vol. VII, Warszawa, 2016, p. 169.

[18] D.P. Kała, 'Szczegółowe przesłanki nadania stopnia doktora habilitowanego', *Ruch Prawniczy, Ekonomiczny i Socjologiczny*, 2022, No. 3, p. 43.

[19] A. Jakubowski, 'Stopnie i tytuły naukowe – postępowanie o nadanie tytułu profesora – powołanie recenzentów. Glosa do wyroku NSA z dnia 7 października 2014 r., I OSK 1423/14', *Orzecznictwo Sądów Polskich*, 2015, No. 7–8, pp. 1066–1069; P. Grzebyk, 'Warunki uzyskania stopnia doktora habilitowanego w dyscyplinie nauki prawne', *Państwo i Prawo*, 2022, No. 5, p. 73.

> the selection of reviewers should be based on the expertise of the persons who are to fulfil that function, including knowledge evidenced by their track record within the scope of the subject matter of the scientific achievements submitted for evaluation.'[20]

It does not seem justified to require a reviewer to represent the same field of science. A field of science has a broad scope and encompasses many disciplines that differ significantly in their research subject matter, e.g. the field of social sciences comprises 12 disciplines,[21] and it is difficult to assume that a reviewer representing, for example, management and quality studies would be able to evaluate scientific achievements in the field of legal sciences.

The other criteria indicated by the RDN deserve approval; however, practice shows that the achievements of persons appointed as reviewers sometimes relate to a field or branch of law that is far removed from the scientific achievements submitted for assessment and intended to constitute a significant contribution to the development of the discipline of legal sciences by the candidate for the degree of *doktor habilitowany*. This applies primarily to reviewers appointed by the RDN, although § 20 of the Annex to Resolution No. 1/2020 of the Council of Scientific Excellence of 9 October 2020: Statute of the Council of Scientific Excellence[22] stipulates that the RDN team

> 'Gathers information on candidates meeting the formal requirements to serve as reviewers in the proceedings conducted by the RDN or proceedings for the conferment of the degree of *doktor habilitowany*, including information about (1) scientific or artistic achievements, including those in foreign higher education and scientific institutions, and (2) reviews prepared for prestigious journals or publishers'.

Some justification for this may be found in the random procedure of selecting reviewers. Article 240 LHES stipulates that the RDN selects reviewers by random draw from a pool of candidates at least three times the size of the final number of reviewers required. In this instance, the pool consists of nine persons nominated by teams operating within the specific fields to which the RDN members belong. The list of candidates for reviewers is drawn up according to the order determined by a random draw conducted using computer software. The first three persons drawn become reviewers, and subsequent candidates step in as reviewers if one of the first three is unable to prepare a review for any reason, at which point the next person on the list is appointed.[23] In order to avoid the selection of a person from a branch of law different from that of the scholarly achievements of the applicant requesting the initiation of habilitation proceedings, the RDN team proposing candidates for reviewers should nominate persons whose research focuses on the same branch of law; an additional criterion should be that the candidates possess a body of

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[20] Rada Doskonałości Naukowej, *Recenzje w postępowaniach*…, op. cit., p. 11.

[21] See paragraph 6 of the above-mentioned Annex 'Classification of fields of science, scientific disciplines and artistic disciplines'.

[22] https://woiz.p.lodz.pl/sites/wzip/files/2022-02/Statut%20Rady%20Doskona%C5%82o%C5%9Bci%20 Naukowej03022022.pdf (accessed: 15 September 2025).

[23] G. Węgrzyn, 'Recenzenci z losowania', *Forum Akademickie*, 2024, No. 11.

scholarly work relevant to the specific achievements indicated by the applicant for the degree of *doktor habilitowany*.

Current practice results in situations in which a responsible reviewer designated to evaluate academic achievements in a different legal discipline or branch of law submits a request to the RDN to be released from their duty, which is usually accepted but prolongs the habilitation proceedings. Reviewers should, as a rule, make such requests if they believe that they lack the necessary qualifications. This also applies to reviewers appointed by the habilitation entity. Although an academic teacher and a researcher cannot decline to fulfil the role of a reviewer, including that of a reviewer in habilitation proceedings without a valid reason (Article 183 LHES), a lack of thorough knowledge of the relevant legal discipline or branch of law undoubtedly serves as a valid reason for declining the assignment. It is the authority that appointed the reviewer, rather than the reviewer themselves, that is competent to assess whether the reason for declining the role is valid.[24] The RDN is right to recommend that a reviewer should not undertake the task of preparing a review if the subject matter falls outside the scope of their scholarly experience and expertise.[25] If a reviewer nevertheless proceeds to prepare a review in such a situation, the review is, as a rule, general in nature, and results in an unconvincing final conclusion; sometimes, this review is the only positive one.

It may be appropriate to designate or appoint a reviewer representing a different legal specialisation, branch of law, or even a discipline other than legal sciences when the scholarly achievements in question are interdisciplinary in nature. A diligent review requires sound knowledge of the current state of research in the given discipline, a personal track record in this field, and a proper understanding of the requirements imposed on the author of the reviewed work by the procedure to which the work is subject.[26]

Not all the above-mentioned requirements apply to a reviewer appointed by the habilitation entity (Article 221(5)(3) LHES). The requirements concerning a current academic track record and a recognised reputation, including an international one, do not apply to such a reviewer. This approach has rightly been criticised, because the requirements imposed on such persons should be identical, given that they have the right to express an opinion on the conferment of the degree of *doktor habilitowany* on an equal footing with reviewers appointed by the RDN. Therefore, it has been proposed that the legislator should harmonise the criteria for serving as a member of the habilitation committee, regardless of the appointing entity.[27]

It is rightly recommended that the habilitation entity be guided by principles aimed at ensuring integrity and impartiality, and regard as undesirable any instances

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[24] Ł. Kierznowski, *Stopnie naukowe i stopnie w zakresie sztuki. Komentarz*, Warszawa, 2021, p. 85.

[25] Rada Doskonałości Naukowej, *Recenzje w postępowaniach…*, op. cit., p. 5; M. Gorynia, 'Recenzje w postępowaniach…', op. cit., p. 18.

[26] Ministerstwo Nauki i Szkolnictwa Wyższego, *Dobre praktyki…*, op. cit., p. 15.

[27] B. Sitek, A. Woźniak, in: Baran K. (ed.), *Prawo zatrudnienia pracowników szkół wyższych. Komentarz do wybranych przepisów Prawa o szkolnictwie wyższym i nauce*, Warszawa, 2026, p. 350.

in which the applicant for the conferment of the degree of *doktor habilitowany* or a person directly interested in the advancement suggests candidates for reviewers.[28]

The Law on Higher Education and Science does not explicitly require reviewers to maintain high ethical standards. It is rightly emphasised in the literature that:

> 'Ethics creates a kind of "moral compass" that guides scientific research, ensuring that it is conducted responsibly and reliably, because it takes into account matters of vital importance to humankind. Honesty, objectivity, and responsibility are fundamental ethical principles; they are the pillars upon which scientific progress must be built.'[29]

The preamble to the Scientist Code rightly notes that 'Maintaining high standards in science and fairly evaluating scientific achievements are crucial not only for the integrity of science but also for its social credibility and recognition'.[30] § 3 of the Code requires, *inter alia*, that scientific research and its results be evaluated in accordance with the ethical values and principles of scientific work. One of the fundamental values, pursuant to § 2(9) of the Code, is impartiality, honesty, and integrity in evaluating the work of other researchers and in providing opinions on and recognising their scientific achievements.

OBSTACLES TO OBTAIN A REVIEWER STATUS

A reviewer designated by the RDN cannot be an employee of the habilitation entity, nor of the university, Polish Academy of Sciences (PAN) institute, research institute, international institute, or the Centre of Postgraduate Medical Education (CMKP) where the applicant for the degree of *doktor habilitowany* is employed (Article 221(3) LHES). In the case of a reviewer appointed by the habilitation entity, the restriction applies only to the applicant's employment with that entity, which means that the reviewer may be an employee of any of the other institutions mentioned above. Pursuant to Article 218 LHES, a habilitation entity is a university, PAN institute, research institute, international institute, or the CMKP that, in a given discipline, holds: (1) a scientific category of A+, A or B2; or (2) is an entity authorised by the RDN to confer the degree of *doktor habilitowany* in that discipline.

Based on a linguistic interpretation, it is difficult to share the view that identical requirements apply to a reviewer appointed by the habilitation entity.[31] The legislator

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[28] Rada Doskonałości Naukowej, *Recenzje w postępowaniach*…, op. cit., p. 10.

[29] O. Brzezińska, 'Jak ważne jest przestrzeganie etyki w badaniach naukowych? Etyka w nauce jako pielęgnowanie integralności w badaniach naukowych', Coopernicus.pl, 15 July 2023; https://coopernicus.pl/pl/knowledge/jak-wazne-jest-przestrzeganie-etyki-w-badaniach-naukowych-etyka-w-nauce-jako-pielegnowanie-integralnosci-w-badaniach-naukowych/ (accessed: 26 June 2026).

[30] Komisja Etyki Pracownika Naukowego, *Kodeks etyki pracownika naukowego*, 4th edn, Warszawa, 2025, p. 5; https://pan.pl/app/uploads/2025/12/Kodeks_etyki_pracownika_naukowego_2024.pdf (accessed: 26 June 2026). ALLEA, *The European Code of Conduct for Research Integrity*, revised edition, Berlin, 2023, p. 5; https://allea.org/wp-content/uploads/2023/06/European-Code-of-Conduct-Revised-Edition-2023.pdf (accessed: 28 August 2026).

[31] Rada Doskonałości Naukowej, *Recenzje w postępowaniach*…, op. cit., p. 10; B. Sitek, A. Woźniak, 'Recenzent i recenzja w świetle prawa', *Forum Akademickie*, 2025, No. 1, p. 9.

does not *expressis verbis* specify such criteria for these reviewers. Establishing the negative criterion for reviewers appointed by the habilitation entity solely in respect of persons employed by that entity (while the restriction does not apply to the other above-mentioned bodies) is justified, because it would be incomprehensible to deprive such employees of the opportunity to serve as reviewers in habilitation proceedings; they might perceive this as an act of discrimination. The requirement that the habilitation entity appoint a reviewer from outside the organisation is intended to serve as a safeguard of impartiality. However, it is rightly noted in the literature that this measure does not fully guarantee the reviewer's impartiality and that this should be explicitly emphasised in the statute. The appointment of a reviewer who is not affiliated with the organisation should not give rise to a presumption of impartiality; it should be explicitly stated that the reviewer is expected and required to demonstrate impartiality.[32]

In accordance with the Code of Researchers' Ethics, a researcher is involved in a conflict of interest when, due to personal relationships, social roles, financial dependencies, institutional ties, or non-professional obligations, there is a risk that their decisions or actions regarding data collection, interpretation, drawing conclusions, or publications, as well as the performance of duties associated with their functions, might compromise the standards of critical inquiry, impartiality, and objectivity in science (§ 42). Activities in which a conflict of interest may arise include, *inter alia*, evaluating the academic achievements of researchers in employment or advancement proceedings (§ 43). In the event of a conflict of interest, the researcher is required to recuse themselves from the activity in question and notify the entity involved in the conflict. If recusal is not possible, the researcher must disclose the existence of the conflict of interest to all interested parties (§ 44).

Another obstacle to fulfilling the function of a reviewer arises from a failure to submit a review within the eight-week deadline from the date of receipt of the application of the candidate for the degree of *doktor habilitowany*, where such a failure has occurred twice within the last five years (Article 221(7) LHES). Undoubtedly, the purpose of this regulation is to ensure that reviewers meet deadlines; it serves as a *sui generis* administrative sanction. However, the problem is that this prohibition is not enforced, because neither the RDN nor the habilitation entity possesses such information. As a result, it is necessary to amend the Law on Higher Education and Science in order to require the RDN to collect such data and make it available to habilitation entities, as well as to require those entities to provide the RDN with such information. A similar outcome could be achieved by implementing a proposal found in the literature that the legislator should establish a mechanism making it possible to verify the timely submission of reviews, e.g. within the Integrated System of Information about Higher Education and Science POL-on.[33]

A person may not serve as a reviewer where there are circumstances that would require the exclusion of a public administration employee *ex lege* (Article 24 § 1

[32] J.W. Wiktor, 'Recenzja osiągnięć…', op. cit., p. 8.
[33] B. Sitek, A. Woźniak, in: Baran K. (ed.), *Prawo zatrudnienia…*, op. cit., p. 352.

of the Act of 14 June 1960 – Code of Administrative Procedure[34] in conjunction with Article 178(3) LHES) or where there are other circumstances that could raise doubts as to the reviewer's impartiality (Article 24 § 3 CAP, in conjunction with Article 178(3) LHES). In addition, the Council of Scientific Excellence holds that a reviewer should decline the assignment if

> 'A conflict of interest occurs between them and a party to the proceedings, in particular where:
> – the reviewer is a co-author of scientific papers with the party to the proceedings;
> – the reviewer has participated or is participating together with the party to the proceedings in research teams carrying out projects funded through national or international competitions;
> – the reviewer has conducted or is conducting scientific work at scientific institutions together with the party to the proceedings;
> – there is a relationship of official subordination between the reviewer and the party to the proceedings.'[35]

ACQUISITION AND LOSS OF REVIEWER STATUS

The status of reviewer is acquired by means of designation by the RDN or the habilitation entity. The designation of a reviewer by the RDN is explicitly provided for in Article 221(4) LHES. Once a person is designated as a reviewer, they acquire the status of a reviewer on the habilitation committee in proceedings for the conferment of the degree of *doktor habilitowany*. This follows from Article 221(4) LHES, which *expressis verbis* provides for the designation of four members of the habilitation committee, including a chairperson and three reviewers. The doctrine holds that the RDN merely designates candidates for membership of the habilitation committee, including a chairperson and three reviewers. The persons designated by the RDN are in fact indicated by that body as candidates, and they must subsequently be appointed by the habilitation entity, which potentially means that the competent body of the habilitation entity may refuse to appoint them as reviewers in proceedings for the conferment of the degree of *doktor habilitowany*.[36] This view cannot be accepted, because it contradicts the literal wording of Article 221(4) LHES, which *verba legis* stipulates that 'the RDN shall designate four members of the habilitation committee', rather than candidates for membership. This assessment is not affected by the content of Article 221(5) LHES, which provides for the appointment of the committee by the habilitation entity. Paragraph 1 of the provision *expressis verbis* stipulates that the committee comprises 'four members designated by the RDN'. Therefore, the provision obliges the habilitation entity, as evidenced by the verb 'shall appoint' used therein, not only to appoint the committee, but to do so in the composition laid down in the provision. This means that the habilitation entity is bound by the RDN's designation and cannot act otherwise; it must appoint the

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[34] Journal of Laws of 2024, item 572, as amended, hereinafter referred to as 'CAP'.
[35] Rada Doskonałości Naukowej, *Recenzje w postępowaniach*…, op. cit., pp. 5–6.
[36] B. Sitek, A. Woźniak, in: Baran K. (ed.), *Prawo zatrudnienia*…, op. cit., p. 348.

person designated by the RDN as a committee member. For the same reasons, there are no grounds for the RDN's assertion that the body of the habilitation entity should, by voting on individual candidates, appoint each of the persons previously designated for the habilitation committee.[37]

The Law on Higher Education and Science does not contain an explicit regulation regarding the designation of a reviewer by the habilitation entity. Article 221(5) LHES makes no reference to such designation; rather, paragraph 3 thereof refers to the appointment of the habilitation committee comprising, *inter alia*, a reviewer who is not an employee of the habilitation entity. Therefore, it can be argued that the habilitation entity does not merely designate a reviewer but appoints them as a member of the committee. Taking into account that the appointment of the committee composed in accordance with Article 221(5) LHES is effected by means of a resolution adopted *en bloc*, in the light of its significance in habilitation proceedings, it is appropriate for the habilitation entity to designate the committee secretary, member and reviewer beforehand in a separate resolution. Moreover, this solution ensures symmetry between the RDN and the habilitation entity regarding the acquisition of reviewer status.

This raises the question of the nature of the habilitation entity's resolution appointing the habilitation committee. The prior designation of the committee members by the RDN and the habilitation entity suggests that the resolution is declaratory in nature. It affirms that the habilitation committee is in fact composed of the members specified therein.

As far as the loss of reviewer status is concerned, it occurs once the habilitation proceedings are concluded. A reviewer may also be recalled by the habilitation entity, which may occur, e.g. due to their recusal from the proceedings or at their own request for valid reasons (such as their state of health or a long trip abroad). As previously noted, the decision in this matter rests with the body that appointed the reviewer. This also applies to resignation from the function. A reviewer is not automatically released from their duties upon submitting their resignation, as they have a statutory obligation to serve when appointed and may withdraw only for a valid reason (Article 183 LHES). The assessment of whether the reviewer's reasons for resignation justify their recusal is left to the discretion of the body that appointed them.

In this context, a question arises regarding the authority competent to make such a decision concerning a reviewer designated by the RDN. According to the Council of Scientific Excellence, where it is necessary to replace a reviewer designated by RDN, e.g. due to their resignation or other grounds for recusal, in accordance with the statutory procedure for inter-agency cooperation, the habilitation entity is required first to request the RDN to designate a new person for the function and simultaneously state the reasons for the request. Only after receiving information from the RDN about the designation of a new member of the habilitation committee may the habilitation entity adopt a resolution appointing that person as a new

[37] Rada Doskonałości Naukowej, *Postępowania dotyczące*…, op. cit., p. 29.

member of the committee. The habilitation entity is not permitted to change the composition of the habilitation committee without cooperation with the RDN.[38]

It is inappropriate to request that the RDN designate a new reviewer in a situation where the incumbent reviewer has not yet been removed from the position and the habilitation entity cannot predict whether the RDN will accept the arguments presented. The procedure should be different. The decision on replacing the reviewer should rest with the body that designated them: in this case, the RDN. Therefore, when submitting the reviewer's request, the habilitation entity – if it accepts the arguments cited – should request the recusal of the reviewer concerned and the designation of a new one or, if it does not accept their arguments, request that the RDN refuse to recuse them. This approach is supported by the logic of the reverse sequence involved in the appointment of the habilitation committee by the habilitation entity.

Another position adopted by the RDN indicates that the habilitation entity should decide on releasing a reviewer designated by the RDN from their duties, as follows from the interpretation of the statement that, according to Article 221(5) LHES:

> 'All members of the habilitation committee, regardless of their function and the body that designated them, are appointed by the habilitation entity for proceedings for the conferment of the degree of *doktor habilitowany*. For this reason, resignations from the performance of a function on the habilitation committee should be submitted to this entity. If the habilitation entity concludes that the resignation of a person designated to the habilitation committee by the Council of Scientific Excellence necessitates supplementing the composition of the committee, that entity should request that the Council of Scientific Excellence designate new candidates for the vacancies.'[39]

Undoubtedly, these complications could be prevented by adopting the proposal put forward in the doctrine that the habilitation committee should be appointed by the RDN rather than by the habilitation entity, which would not participate in these activities, thereby enhancing the objectivity of the proceedings.[40] Given the committee secretary's heavy workload, the proposal should be supplemented by the requirement that the secretary's appointment be contingent upon a request from the habilitation entity. The implementation of this *de lege ferenda* proposal would lead to excessive centralisation of habilitation proceedings at the cost of marginalising the role of universities and research institutes.

CONCLUSIONS

The analysis conducted indicates that, in proceedings for the conferment of the degree of *doktor habilitowany* in the field of social sciences and the discipline of legal sciences:

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[38] Rada Doskonałości Narodowej, 'Komunikat nr 1/2026 – w sprawie zmiany składu komisji habilitacyjnej', 3 February 2026; https://www.rdn.gov.pl/komunikaty,komunikat-nr-12026-w-sprawie-zmiany-skladu-komisji-habilitacyjnej.html (accessed: 26 June 2026).

[39] *Pismo RDN z dnia 4 maja 2026 r., DRKN.Z5. 4000.28.2020*, unpublished.

[40] B. Sitek, A. Woźniak, in: Baran K. (ed.), *Prawo zatrudnienia*…, op. cit., p. 349.

(1) in principle, a reviewer is a person holding the degree of *doktor habilitowany* or the title of professor; however, a reviewer designated by the RDN must additionally possess a current academic track record and a recognised reputation, including at the international level;
(2) due to the high standards of quality required of reviews, it is insufficient for reviewers merely to represent the discipline of legal sciences; they must be specialists in the specific legal science or branch of law to which the academic achievements subject to their review pertain;
(3) a reviewer designated to evaluate achievements in a legal science or branch of law other than their own area of specialisation should submit a request to be released from their reviewing duties;
(4) another obstacle to serving as a reviewer is the failure to submit a review within the eight-week deadline, calculated from the date of receipt of the application from the candidate seeking the degree of *doktor habilitowany*, where such a failure has occurred twice within the last five years (Article 221(7) LHES). In practice, however, this rule is ineffective because neither the RDN nor the habilitation entity has information about such circumstances. As a result, a *de lege ferenda* proposal arises to introduce a provision into the Law on Higher Education and Science requiring the RDN to maintain a register of such persons and make it available to habilitation entities, as well as obliging the latter to notify the RDN of such occurrences;
(5) reviewer status is acquired following the designation of a person to fulfil that role by the RDN or a habilitation entity, and not at the moment when the habilitation committee is appointed. Nevertheless, given that the appointment of the entire committee takes place by means of a resolution adopted through an *en bloc* vote, in the light of the significance of habilitation proceedings, it is appropriate for the habilitation entity to designate the committee secretary, a member and a reviewer beforehand. Such a procedure ensures symmetry between the RDN and the habilitation entity regarding the acquisition of reviewer status;
(6) the role of reviewer terminates upon the final conclusion of the habilitation proceedings, or earlier if the reviewer is recalled by the body that appointed them.

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