

# EVALUATION OF DOCTORAL THESIS BY THE ACADEMIC GUIDANCE AND INTEGRITY COMMISSION, THE THESIS SUPPORT COMMITTEE AND CNATDCU. ASPECTS OF THE ORIGINALITY AND SCIENTIFIC VALUE OF DOCTORAL THESES. MORAL DILEMMAS OF THE DOCTORAL STUDENT

Camelia-Elena GOLEANU\*

## Abstract

*This paper aims to present the way in which doctoral theses are evaluated by the academic guidance and integrity commission, the public support committee of the doctoral thesis and CNATDCU, as well as aspects regarding the originality and scientific value of doctoral theses.*

*Beyond this technical analysis, which is extremely useful, the paper addresses issues of a common ethical nature, but little analysed, which appear in the scientific research activity when starting from the idea of the doctoral leader, the doctoral student develops and acquires as sole author the doctoral thesis. Also, in scientific research there may be contradictory points of view between the doctoral student and the doctoral leader, each point of view being supported from a scientific point of view, but only one point of view must be taken into account in the elaboration of the paper.*

*The ethical aspects presented above may generate moral dilemmas of the doctoral student regarding the paternity of the doctoral thesis, respectively, whether or not the doctoral leader's point of view is appropriated in the doctoral thesis.*

*The topic presented makes a brief incursion into this complex issue and identifies possible ways to resolve the above-mentioned moral dilemmas.*

**Keywords:** *The Academic Guidance and Integrity Commission, the thesis support committee, CNATDCU, moral dilemma, idea, scientific value.*

## 1. Introductory concepts

Just as Viorel Roş and Ciprian Romiţan presented beautifully in a work<sup>1</sup> „it is not easy to write valuable works and it is not easy to be original in scientific works”. „Only God is original,” says Petre Țuţea<sup>2</sup> quoted by Viorel Roş.

Starting from the undeniable truth value of the above statements, we would point out that Law no. 199/2023<sup>3</sup> created a unitary legal framework on higher education and made important changes regarding the doctoral studies both in terms of the duties and competence of the structures involved in the activity of guidance, verification, evaluation, contestation and award of doctoral title, and their duration, which was usually set at four years.

In order to implement the legal provisions on doctoral studies in Law no. 199/2023, the Ministry of Education has drawn up the Framework Regulation<sup>4</sup>.

According to the above-mentioned legal regulations, the improvement and extension of the training of PhD students<sup>5</sup> is ensured by the DS<sup>6</sup> of IDS<sup>7</sup>. IDS, together with the DS, shall draw up and approve the Internal Regulations<sup>8</sup> and ROFDS<sup>9</sup>.

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\* PhD Candidate, Faculty of Law, „Nicolae Titulescu” University of Bucharest (e-mail:).

<sup>1</sup> *A few ideas about...ideas, hatred, blasphemy, plagiarism and education*, at the National Conference „Controversial Issues in Intellectual Property Law”, 21.11.2019.

<sup>2</sup> Petre Țuţea (October 6, 1902 – December 3, 1991) was a Roman economist, essayist, lawyer, politician and publicist, initially Marxist, later a member of the Legionary Movement. Convicted during the communist regime, he was later rehabilitated by admitting the appeal in the interest of the law against the judgment of sentencing to forced labor and civic degradation.

<sup>3</sup> Law no. 199/2023, <https://legislatie.just.ro/Public/DetaliiDocumentAfis/271898>, accessed in January 2024.

<sup>4</sup> The Framework Regulation of 08.01.2024 on doctoral studies will be hereinafter referred to as the Framework Regulation, <https://www.legisplus.ro/Intralegis6/oficiale/afis.php?f=278335>, accessed in March 2024.

<sup>5</sup> Doctoral students will be named in the paper PhD students.

<sup>6</sup> Doctoral school(s) will be hereinafter referred to as DS.

<sup>7</sup> Institute for Doctoral Studies will be hereinafter referred to as IDS.

<sup>8</sup> The institutional regulation for the organisation and conduct of doctoral studies programs at university level will be named within the paper – Internal Regulation.

<sup>9</sup> The rules of organisation and functioning of the doctoral school will be named in the paper ROFDS.

Within the DS work the doctoral leaders and PhD students. The doctoral degree programs are regulated by the ROFDS, developed by the DSB<sup>10</sup> and approved by the DStB<sup>11</sup>. We mention that the only mandatory discipline of the doctoral program is that of ethics and integrity in scientific research<sup>12</sup>.

The ROFDS provides mandatory criteria, standards and procedures concerning, *inter alia*, how to change the doctoral leader, as well as procedures for conflict mediation and fraud prevention in scientific research.

The concrete relationships between doctoral students, doctoral leaders and IDS, through DS, are established by the doctoral studies contract that ends after the negotiation, with each PhD student.

The doctoral leader, together with the DS, informs the PhD students about scientific, professional and university ethics and checks whether it is respected. It also checks compliance with deontological norms both during scientific research and in drafting the doctoral thesis. In the case of academic frauds, violations of university ethics norms, as well as deviations from good conduct in scientific research, both PhD student and doctoral supervisor are responsible according to the legal provisions in force. Also, non-compliance with the rules of ethics or plagiarism may entail the public liability of IDS<sup>13</sup>.

Please note that, on the basis of the above-mentioned legal provisions, higher education institutions develop their own regulations on ethics and ethics. At the level of „Nicolae Titulescu” University, the Code of Ethics<sup>14</sup> and a Regulation on the Ethics Commission<sup>15</sup> have been developed on the basis of which the Ethics Commission<sup>16</sup> exercises its powers.

## 2. Doctoral leader and academic guidance and integrity committee<sup>17</sup>

An essential role in each PhD student's doctoral program<sup>18</sup> is the PhD leader. Thus, the doctoral leader, in consultation with the doctoral student and the opinion of the DS, establishes the conduct of the doctoral program and proposes the research themes.

In the relationships born during the course of the doctoral program, between the doctoral student and the doctoral leader we find reciprocal rights and obligations resulting both from the doctoral study contract concluded between the doctoral student, the doctoral leader and the legal representative of IDS, from the legal provisions in force and as a result of the scientific collaboration within the PhD program of scientific research.

Thus, we mention that during the course of the doctoral program, the doctoral student has obligations that can be included in obligations resulting from the law, obligations resulting from the study contract and obligations arising from university ethics norms.

In case of divergences between the doctoral student and the doctoral leader, they shall be settled by the DSB, and in case of default at this level, they shall be resolved by the DStB. The conflicts between the doctoral student and the DS are resolved by the DStB.

PhD student may request, motivated, the change of the doctoral leader. The DSB may order the change of the doctoral leader if he has found that he has not fulfilled his legal or contractual obligations, for other reasons relating to the guidance relationship between the doctoral leader and the doctoral student, as well as if he finds that the doctoral leader is unavailable. DSB establishes another doctoral leader in the same field.

In working with the PhD student, the doctoral leader is supported by a guidance commission composed of

<sup>10</sup> The Doctoral School Board will be hereinafter referred to as DSB.

<sup>11</sup> The Doctoral Studies Board will be hereinafter referred to as DStB.

<sup>12</sup> Order no. 3131/30.01.2018 regarding the inclusion in the curricula, for all university study programs organised in higher education institutions of the national education system, courses on ethics and academic integrity, <http://legislație.just.ro/Public/DetaliuDocumentAfis/197844>, accessed on 05.01.2024.

<sup>13</sup> Art. 162 of Law no. 199/2023 provides: (1) Higher education institutions shall be responsible for complying with the norms of ethics and academic ethics. (2) The institutions referred to in para. (1) shall establish university ethics commissions, in order to comply with the provisions of para. (1), with a mandate of 4 years. The University Ethics Commission shall act independently of any other structure or person within the higher education institution. (3) A subcommittee dedicated to research ethics shall operate within the university ethics commission. It aims to implement ethics policies in research, in accordance with the regulations of scientific research ethics, which shall cover the following aspects: publication and authorship, respect for the dignity of research participants, management of research data, collaboration, conflicts of interest, fraud, ensuring efficient research environments, and prevention of harm in research and innovation. (4) The composition of university ethics commissions is proposed by the boards of directors, endorsed by the Senate and approved by decision of the Rector.

<sup>14</sup> Code of Ethics and Professional Ethics, <https://www.univnt.ro/index.php/comisia-de-etica/>, accessed in January 2024, hereinafter referred to as Code of Ethics.

<sup>15</sup> Rules of the Ethics and Ethics Committee valid at [https://www.univnt.ro/wp-content/uploads/rapoarte/comisia\\_de\\_etica/Regulamentul%20Comisiei%20de%20etica%202020.pdf](https://www.univnt.ro/wp-content/uploads/rapoarte/comisia_de_etica/Regulamentul%20Comisiei%20de%20etica%202020.pdf), accessed in January 2024, hereinafter referred to as the Ethics Commission Regulation.

<sup>16</sup> University Ethics and Professional Ethics Committee, hereinafter referred to as Ethics Committee.

<sup>17</sup> The Academic Guidance and Integrity Commission, hereinafter referred to as the Steering Committee.

<sup>18</sup> Doctoral degree programme, hereinafter referred to as the doctoral programme.

three members who cannot be appointed as members of the doctoral committee<sup>19</sup>. The members of the guidance committee may be part of the research team of the doctoral leader, from persons affiliated with the DS or from non-affiliated teaching and research staff. Following consultation with the PhD student, the doctoral leader establishes the composition of the guidance committee that supports the PhD student in the scientific research program.

We would point out that, in accordance with the provisions of art. 41 on the program of the PhD student of scientific research of the „Nicolae Titulescu” University’s Internal Regulations, the scientific research program provides 3 oral support before the doctoral leader and the guidance committee, as follows:

- a) in the first year the doctoral student develops the scientific research project in order to achieve the doctoral thesis. The scientific research project is part of the research report for the first year of doctoral studies;
- b) in the second and third year, the doctoral student prepares and supports 2 research reports attesting his progress within the doctoral program.

The research reports also include 3 reports that are presented by the doctoral student and evaluated by the doctoral leader and members of the guidance committee. An inadequate qualification on the part of the doctoral leader and the inaugural commission implies the re-establishment of the report, and if the same result is obtained after the re-reption of the report, the PhD student is expelled.

The doctoral leader will not miss any presentation of the PhD student, and from the committee must be present, at least 2 members at each presentation, on which occasion a document, entitled minutes, is drawn up, recording the main observations and recommendations made. A copy of the document, signed by the doctoral supervisor and the members of the committee present at the presentation of the doctoral student, shall be submitted to the secretariat of the doctoral school<sup>20</sup>.

Subsequently, the doctoral thesis is analysed from the point of view of similarities through at least one anti-plagiarism program recognised by CNATDCU, in which context a similarity ratio is generated. The similarity ratio generated is a document of the doctoral file. After analysing the similarity report by the guidance committee and the person designated for this purpose by the DS, provided that no changes to the thesis are required, the thesis is presented to the guidance committee. After presuming, the doctoral leader, in accordance with the recommendation of the committee and the result of the verification of the similarity report, decides the official submission of the thesis and its support or, as the case may be, the non-admission of the thesis for support, the activities of restoration of the thesis, or, possibly, the definitive rejection of the thesis.

If violations of good conduct in development research are identified in the evaluation of the doctoral thesis, including plagiarising the results or publications of other authors, making the results or replacing them with fictitious data, the PhD student shall be obliged to remedy the deficiencies found after which the evaluation of the thesis is resumed, or, otherwise, his thesis shall be rejected and expelled.

The acceptance report of the doctoral leader and the agreement of the members of the guidance commission are part of the documents of the doctoral file.

The procedure of public support of the doctoral thesis can be triggered only after the doctoral leader and the members of the guidance committee have given their written consent for the public support of the doctoral thesis<sup>21</sup> and regarding the submission of the doctoral thesis to the DS secretariat which certifies the fulfilment by the PhD student of all the obligations established by the doctoral program.

### 3. Doctoral Committee

The doctoral studies end by supporting the doctoral thesis before the doctoral commission, approved by the DStB at the proposal of the doctoral leader.

The doctoral committee shall be composed of at least five members. The doctoral committee includes the president, the representative of IDS, the doctoral leader and three reviewers, specialists in the field in which the thesis was elaborated, of which at least two works outside IDS.

The doctoral thesis is a public document. The thesis is held in session before the doctoral commission after being evaluated by the members of the commission and they submitted reports/reports at least 15 days before the date of public presentation by the PhD student. Physical participation in supporting the doctoral thesis is mandatory for the chairperson of the commission and the doctoral leader, the other members being able to participate in the videoconference system, at least four.

<sup>19</sup> The Commission for Public Support of the Doctoral Thesis, hereinafter referred to as the Doctoral Committee.

<sup>20</sup> Regulation on the organisation and conduct of doctoral studies programmes, [https://www.univnt.ro/wp-content/uploads/asigurarea\\_calitatii/regulamente/RG-31\\_Regulament\\_IOSUD.pdf](https://www.univnt.ro/wp-content/uploads/asigurarea_calitatii/regulamente/RG-31_Regulament_IOSUD.pdf), accessed in January 2024.

<sup>21</sup> According to the provisions of art. 45 – Similarities analysis and agreement for public support of the doctoral thesis in the Internal Rules.

Following the public support of the thesis, the members of the commission draw up reports which together with the statement on the originality of the PhD paper and the analysis on the degree of similarity, form the basis of the committee's deliberations in order to award the doctor's degree.

The minimum standards for awarding the doctor's degree are developed by CNATDCU. According to the provisions of Order no. 5110/2018<sup>22</sup>, Annex 24, the minimum standards for granting the title of doctor for the commission of legal sciences are:

- participation in at least three scientific events organised by IDSs and publication of research results in the publications of conference organisers, which can be proven by the PhD student through the conference programme;
- the PhD student has published at least one article in journals that are indexed to international databases.

If the minimum standards required for the award of the diploma are not met, the committee will indicate the elements that need to be reworked or modified in the doctoral thesis and will ask for new public support of the thesis. If the minimum standards are not met in the second support of the thesis, the PhD student will be expelled.

If during the evaluation of the thesis by the members of the doctoral commission are identified, both previously and within the framework of public support, serious deviations from good conduct in research and university activity, including elements of plagiarism or making or replacing the results with fictitious data, then it is mandatory to notify the ethics committee of the higher education institution in which the PhD student is registered and the one in which the doctoral leader is employed for the analysis and resolution of the referral or to notify the deviations of the members of the doctoral commission with the proposal to reject the doctoral thesis.

If the doctoral committee establishes that the obligations laid down in the scientific research program have been fulfilled as well as the minimum standards provided by Order no. 5110/2018, it proposes to award the doctoral degree. The proposal of the doctoral committee is submitted together with the CNATDCU doctoral file.

The higher education institution shall issue the decision to award the doctor's diploma which shall be signed by the rector and shall draw up and issue the doctor's diploma within 30 calendar days of receipt of the assent from CNATDCU.

#### **4. CNATDCU**

Within 90 days of receipt of the dossier, CNATDCU shall send IDS a compliant opinion on compliance with the administrative procedure and on the minimum requirements for awarding the doctor's diploma. At the same time, CNATDCU verifies the PhD student's statement on the originality of the paper and the analysis on the degree of similarity, found in the file sent to him.

CNATDCU may invalidate substantiated the process of validation of the doctoral thesis situation in which it sends IDS a written motivation for invalidation, and the file can be resubmitted to CNATDCU for reassessment after remedying the reasons for the invalidation.

Also, CNATDCU may decide that the administrative procedure carried out within IDS has not complied with the regulatory provisions and will send the doctoral file to IDS for reconsideration and completion. IDS will remedy the issues underlying the invalidation and resubmit the doctoral file for reassessment to CNATDCU.

If the members of CNATDCU within the evaluation committee of a doctoral thesis find that the standards of professional ethics are not respected, including the existence of plagiarism within the thesis and the activities that led to its realisation, they invalidate the thesis, communicate the findings of the other members of the evaluation committee and notify the General Council of the CNATDCU for establishing the responsibility of the doctoral leader or the DS.

#### **5. Some considerations on the originality and scientific value of doctoral thesis**

In accordance with art. 18 of the Framework Regulation, the doctoral study programme comprises two programs:

- one of preparation based on advanced university studies;
- an individual that concerns scientific research.

The PhD student program on scientific research ends with the elaboration of the doctoral thesis. The evaluation of theses in terms of originality is a mainly technical operation that analyses the degree of personalisation and personal imprint that the doctoral student gives to the external form of the doctoral thesis.

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<sup>22</sup> Order no. 5100/2018 approving the minimum national standards for granting the title of doctor.

The doctoral thesis must be an original paper whose author is the PhD student. The doctoral supervisor is responsible alongside the author of thesis for compliance with standards of professional ethics or quality, including in terms of ensuring the originality of the content.

As the beautifully presented Viorel Roş and Andreea Livădariu in an essay, „originality is the expression of the author’s personality transposed into creation, but freedom of expression is fully dependent on the category of works to which the creation belongs. Scientific works are those, through technical and standardised language, limit the creator’s ability to manifest his originality, the only way in which an author of scientific works can be original is the manner in which he shapes the results of his research”<sup>23</sup>.

At the same time, originality is often associated with innovation and the ability to bring about change and progress in a particular field. Originality and scientific research, though they are two distinct concepts, are interconnected in the fields of academic and research.

Thus, originality, in this context, refers to the ability to create and bring new and innovative ideas in a particular field. It’s about the ability to think creatively and make unique and meaningful contributions to a particular field of study. On the other hand, scientific research refers to the process of investigating and discovering new knowledge in a particular field. Scientific research involves gathering and analysing data, formulating hypotheses and testing them through specific methods and techniques. The aim of scientific research is to gain new knowledge and to contribute to the development and improvement of the field of study, aspects that give scientific value to the research carried out.

Originality and scientific research are closely linked, because originality is often a valued aspect in research. Researchers are encouraged to make innovative contributions and find new and creative solutions to existing problems. Originality can be considered as a quality of scientific research, as original contributions can bring new perspectives and advances in the field.

Scientific research must also be rigorous, evidence-based and respect scientific methods and standards. Originality can be considered as an aspect of research, but it is not enough in itself. Scientific research must be valid, reliable and have a solid foundation in scientific theory and methods.

Scientific value refers to the importance and relevance of research within the scientific community. Research with scientific value makes significant contributions to the development of existing knowledge and to solving important research problems or questions. This may involve the discovery of new facts or phenomena, the development of explanatory theories or models, the identification of practical solutions, or the improvement of research methods and techniques. Thus, in terms of verifying scientific value, things are complex, depending largely on the person of the evaluator.

To assess the originality and scientific value of a research, the guidance committee and the doctoral committee take into account several factors, such as:

- Relevance and timeliness of the research theme in the current context of the field;
- Novelty and innovation of ideas, concepts or methods proposed in research;
- The quality and rigour of the research methods used;
- Consistency and validity of the results obtained;
- Impact and applicability of results in practice or further development of the field.

Originality and scientific value are essential in scientific research, as they contribute to advancing knowledge and solving important problems in various fields.

An important aspect in defining the originality of creations is also found in the work of Viorel Roş and Andreea Livădariu in the sense that „the doctrinal and jurisprudential interpretations on account of Law no. 8/1996<sup>24</sup> defined originality as a subjective criterion for the protection of creations, important being the personal imprint of the author in the expression he gives to ideas over which no person has a monopoly”<sup>25</sup>.

In this context, copyright appears as a legal right granted to authors to protect the originality and creativity of their works. This right gives authors control over the use and distribution of their works, as well as the right to receive compensation for their use.

Originality is thus an important component of copyright that helps to protect this right. For a work to be protected, it must be original, which means that it must be a new and distinct creation. This means that the work must not be a copy of another existing work and must reflect the creativity and effort of the author.

In conclusion, originality and scientific value are two important aspects in the field of academic and research. Originality brings innovative contributions and new ideas, while scientific value makes significant contributions to the development of existing knowledge and to solving important research problems or

<sup>23</sup> V. Roş. A. Livădariu, *Condition of the originality of scientific works*, in Revista Română de Dreptul Proprietăţii Intelectuale no. 2/2014.

<sup>24</sup> Law no. 8/1996 on copyright and related rights, <https://legislatie.just.ro/Public/DetaliuDocument/7816>, accessed in January 2024.

<sup>25</sup> V. Roş. A. Livădariu, *Condition of the originality of scientific works*, op. cit., p. 7.

questions.

Violation of scientific originality and value can have serious consequences in academia and research. In general, sanctions for such breaches concerning ethics and ethics rules in university research may vary depending on the seriousness of the act and the policy of the institution concerned.

The deviations from the norms of ethics and ethics in the teaching and university research activity are provided for in art. 168 of Law no. 199/2023 and include several categories relating to teaching and university research activity, communication, publication, dissemination and scientific dissemination, the exercise of the duties related to leadership functions, respect for human being and dignity.

The types of sanctions provided for violation of ethics and academic ethics rules are varied starting from the written warning, withdrawal and/or correction of all published papers in violation of ethics and academic ethics norms, etc.<sup>26</sup>

Sanctions for violations of ethics and academic ethics rules are harsh, leading to expulsions, dismissals, including withdrawal of IDS accreditation.

### **6. Moral dilemmas of the PhD student. „You can resist the invasion of an army, but not an idea whose time has come” (Victor Hugo)**

The basis of the scientific research activity is the idea that according to the provisions of Law no. 8/1996 is excluded from the legal protection on copyright. According to Law no. 8/1996, the author of the idea cannot use, for the defense of his own idea, the moral and patrimonial prerogatives conferred by the copyright or to claim the recognition of authorship over the idea. Law no. 8/1996 aims to protect by copyright the original creations, by building a legal regime specific to this right.

If Law no. 8/1996 does not protect by copyright ideas, another normative act, Law no. 206/2004 stipulates in art. 4 para. (1) -(d) that „exposure in a written work or oral communication, including in electronic form, of texts, expressions, ideas, demonstrations, data, hypotheses, theories, results or scientific methods extracted from written works of other authors without referring to original sources”<sup>27</sup> means plagiarism. At the same time, according to the provisions of Law no. 206/2004, taking over the idea without indicating the source – the author’s name and the work – represents plagiarism, thus violating the moral right to authorship.

As a result, the idea that cannot be plagiarised has the meaning of opinion, solution or vision on a subject, expressed in the activity of scientific research, while the idea excluded from protection has the meaning of abstract concept, general-known, uncontested thesis and accepted as universally valid, subject of a work, sketch, project not yet realised.

What protects Law no. 206/2004 is the expression given to the idea, it is the result obtained after the idea has been passed through the filters of reason and soul, giving it a personal footprint, the aim being to regulate the framework necessary for carrying out scientific research to stimulate the achievement of personal results.

But what happens when starting from the unprotected idea of the doctoral leader (research theme), at his urging, under his direction and guidance, the PhD student develops a scientific idea in the doctoral thesis, a public document of which he is the author?

On the other hand, what happens if the doctoral student agrees with the doctoral leader’s idea, although he realises that the idea can have negative consequences or contradict his own ethical principles?

Pronouncing these rhetorical questions that any PhD student can ask, we identify moral dilemmas that the doctoral student may face in the research program and which we will analyse below.

### **7. The moral dilemma of the doctoral student on the appropriation of copyright and paternity of the doctoral thesis**

As I have presented in this paper, an important role in the doctoral degree program of each PhD student has the PhD leader. As is apparent from the provisions of the framework regulation and the other legal provisions in force, practically the entire scientific research activity of the doctoral student bears the mark of the doctoral leader, due to him a large part of the success of the scientific activity carried out by the PhD student.

In this context, the first moral dilemma related to the belonging of the scientific research results materialised in the doctoral thesis is born, respectively, if they are exclusively the merit of the PhD student as expressly regulated by the legal provisions in force by assigning the copyright and its prerogatives only to the doctoral student, or these are also the result of the work carried out by the doctoral leader and should be

<sup>26</sup> In accordance with art. 172 and 174 of Law no. 199/2023.

<sup>27</sup> Law no. 206/27.05.2004 on good conduct in scientific research, technological development and innovation, <https://www.legisplus.ro/Intralegis6/oficiale/afis.php?f=52457>, accessed in March 2024.

recognised at least the right of co-author of the doctoral thesis.

Thus, although the legal regulations expressly provide that the author of the doctoral thesis is the doctoral student and consequently the unprotected idea of the doctoral leader is transformed within the scientific research program into a scientific creation attributed to the doctoral student, protected by Law 8/1996, however, we cannot deny the existence of the personal fingerprint of the doctoral leader in the development of the scientific idea, which is likely to generate that protection offered by Law no. 206/2004, as well as the prerogatives of copyright regulated by Law no. 8/1996.

In conclusion, the moral dilemma of the PhD student arises, namely, on the one hand, whether it is ethical to acquire unilaterally the scientific idea of the doctoral thesis and to benefit from the protection afforded to copyright in the scientific work in the context in which from a legal point of view the legislation recognises its copyright and, on the other hand, if legal liability could be incurred in the event that a subsequent evaluation proves that the scientific idea developed does not belong to him in its entirety and does not bear his exclusive personal mark.

Thus, since moral dilemmas are situations in which a person faces a choice between two actions, both of which have ethical or moral implications, they can be difficult to solve because there is not always a clear and fair choice. They often involve weighing personal values and principles and can vary depending on circumstances and perspectives.

Defining the notion of dilemma, James Rosenau<sup>28</sup> quoted by Bianca-Elena Radu<sup>29</sup>, notes that the moral dilemma is the situation in which a person, faced with two contradictory actions, is unable to accomplish both, although he has moral reasons to accomplish each of them.

To solve this moral dilemma, it is important to reflect on our values, analyse the possible consequences of our actions, and consider the views and needs of those involved. Consulting with others and searching for additional information can also help in the moral decision-making process. Solving moral dilemmas is a complex and subjective process that involves making ethical decisions in difficult situations.

There are different ethical approaches and theories that can be used to guide the moral decision-making process.

It is important to note that solving moral dilemmas can be subjective and that there is not always a „correct” solution. It is possible that two people come to different decisions in the face of the same moral dilemma, depending on their personal values and principles.

Thus, the PhD student finds himself in the situation of choosing between owning his doctoral thesis based on the support of the doctoral leader and taking over the idea, acquiring it and with the help of the doctoral leader transforming it into a scientific idea, or to give up the doctorate on grounds of ethics or potential legal responsibility.

### **8. The moral dilemma of the doctoral student who agrees with the leader’s idea although he realises that the idea may have negative consequences or be contrary to his own ethical principles**

In such situations, the PhD student may face a difficult decision between following his or her own moral convictions or submitting to the idea of the doctoral leader in order to advance his academic career or avoid conflicts with him. To solve this dilemma, the PhD student could consider the following aspects:

**Analysis of consequences:** The PhD student should carefully assess the consequences of the doctoral leader’s idea and determine whether they are consistent with his or her moral values and principles. If the idea has the potential to cause damage or violate the rights or dignity of others, the doctoral student may decide not to support it.

**Consultation of other sources:** The PhD student could look for alternative opinions and perspectives to gain a broader understanding of the situation. This may involve discussions with other colleagues, researching relevant literature, or consulting a mentor or ethical advisor.

**Open communication:** The PhD student should try to communicate openly with the doctoral leader about the moral dilemma he encounters. By expressing his concerns and values, the doctoral student can try to find a solution or compromise acceptable to both sides.

**Search for the alternative:** If the PhD student disagrees with the doctoral leader’s idea and believes that it is clearly at odds with his own moral principles, he may seek a different alternative or approach to continue his research. This may involve finding another doctoral leader or other academic institution to support and

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<sup>28</sup> \*\*\* Telephone Interview with James Rosenau, Teaching Political Science, 1974, vol. 1, issue 2, <https://doi.org/10.1080/00922013.1974.11000028>, p. 266-280.

<sup>29</sup> B.E. Radu, *Challenges and Dilemmas of Doctoral Students in Doctoral Research*, in CKS e-book, 2022, [http://cks.univnt.ro/download/cks\\_2022\\_articles%252F3\\_CKS\\_2022\\_PUBLIC\\_LAW%252FCKS\\_2022\\_PUBLIC\\_LAW\\_025.pdf](http://cks.univnt.ro/download/cks_2022_articles%252F3_CKS_2022_PUBLIC_LAW%252FCKS_2022_PUBLIC_LAW_025.pdf).

encourage his or her moral values and principles.

Finally, the solution of the PhD student's moral dilemma to the idea of the doctoral leader depends on the value he attaches to his own ethical principles and on his desire to follow his personal beliefs. It is important that the PhD student takes into account the long-term consequences of his decision and acts in a way that is consistent with his moral values.

It is also important to address these dilemmas and find ethical solutions to ensure that scientific progress is accompanied by responsibility and respect for human values.

## 9. Conclusions

Through the adoption of Law no. 199/2023 a unitary legal framework on higher education was created, amendments were made regarding the doctoral studies regarding the tasks and competence of the structures involved in the activity of guidance, verification, evaluation, contestation and award of doctoral title and transposed into the legislation the measures ordered by both CCR dec. no. 364/2022 and the courts, *e.g.*, HCCJ dec. no. 915/2023, on CNATDCU's powers.

Regarding the doctoral studies, the law increases the duration of the study program to 4 years, sets the number of PhD student who can be guided at the same time by a doctoral leader to 8 and provides for the award of the doctoral degree by IDS on the proposal of the doctoral committee.

As regards the elaboration of doctoral theses, they must follow a complex analysis and evaluation procedure in which the verification of the originality and scientific value are essential elements for the recognition and granting of protection of the thesis by copyright.

In the scientific research activity related to doctoral programs, PhD students face a series of challenges such as to generate both motivation and personal and professional maturity and moral dilemmas, the solution of which depends either on the intervention of the legislature or on the moral values of each PhD student.

In this context, in the light of what I set out in the essay, I consider that, *de lege ferenda*, it is necessary to amend the legislation in force in order to recognise the merit and the essential contribution of the doctoral leader in the finalisation of the scientific idea and the realisation of the final form of the doctoral thesis, by granting co-authorship of the doctoral thesis.

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