

WITHDRAWAL OF THE DOCTORAL TITLE

Dana Maria IOAN*

Abstract

In modern society, where the emphasis is on knowledge, development and innovation, university doctoral studies, whose inestimable value for scientific progress is universally recognized, constitute the means of creation and the symbol of intellectual evolution.

Why do we aspire to the title of doctor? The desire, the motivation to hold this title can be of a professional, social or personal nature or a little of each, it can be a positive call stemming from the desire for knowledge, development and to contribute to the continuous technological transformation of society or, on the contrary, it can be animated by the reprehensible need of the individual to access, without being entitled, an environment to which he does not belong and in which he does not deserve, from the point of view of education, qualification and training, a position, that is, in fewer words, the need to succeed.

In the latter case, the consequences of such dishonest motivation are reflected both on the person who chose the shorter and easier path to achieve their goal, since the means used by them will be similar and in keeping with the dishonorable nature of the motivation, and on the scientific community, by undermining trust in education and trivializing meritocracy, if adequate policies are not adopted and applied to prevent and discourage this phenomenon before it becomes a systemic problem.

For example, plagiarism, a frequent practice of corruption, falsification of knowledge, is a scourge of the academic environment, the spread of which is favored by the era in which we live, where digital information abounds and is within everyone's reach, and can be taken over and used as they please and not necessarily in the service of a noble vocation - authentic scientific research. University ethics and deontology constitute a remedy or an academic counterbalance that has the crucial role of neutralizing actions or behaviors with the ability to harm the process and result of creation, by ensuring an environment conducive to scientific development, as well as by incriminating and sanctioning deviations from protective norms. The ultimate sanction in matters of personal scientific credibility is the withdrawal of the doctorate, with major implications in all areas of the person's life, constituting a true and irreversible academic, professional and social anathema.

Keywords: *doctorate, title, retirement, integrity, meritocracy.*

1. Introduction

The doctorate represents the conclusion of a cycle of creation, complex and full of intellectual challenges, a culmination of the efforts made, of the challenges launched and accepted, of the creative blockages encountered, of the scientific dead ends and, at the same time, the long-awaited end of the path of knowledge, traveled by the doctoral student in his scientific expedition. Without intending to minimize its importance, constituting a significant recognition of the academic merits of the person to whom it was conferred, the doctorate presents, in particular, in contemporary society, a personal importance for the holder, while the value of the creation obtained following doctoral university studies is universal, given its contribution to the improvement of the scientific heritage of humanity.

The position of this consecrated emblem of intellectual excellence, which testified to the steps taken by humanity on the path of knowledge and scientific discoveries, has been shaken in recent decades. The erosion of historical prestige is caused by heterogeneous factors, from the difficult-to-control phenomenon of plagiarism and the proliferation of titles to the lack of relevance or practical applicability of research, which contributes both to the depreciation of the importance of doctoral studies and, implicitly, to a bureaucratic metamorphosis. The harmful echoes of devaluation are propagated throughout society, not only among intellectuals, with the consequences of slowing down or decreasing scientific progress caused by the decline in the quality of research, the erosion of academic meritocracy, the suppression of the credibility of university institutions, the impact on the labor market by hiring people who do not, in fact, hold the qualifications attested by the title, etc.

* PhD Candidate, Faculty of Law, „Nicolae Titulescu” University of Bucharest (e-mail: dana.ioan@univnt.ro).

From the varied register of sanctions, this study focuses on the revocation or cancellation of the doctoral diploma, an extremely serious and dishonorable sanction, which also means¹ the withdrawal of the doctoral title, and aims to provide a detailed perspective, intended to complete and deepen the specialized literature in the field.

In the author's view, understanding the history and fundamental role of the doctorate in scientific research, explaining the inseparable notions of academic integrity and meritocracy, exposing and analyzing deviations from norms, presenting legal and institutional mechanisms, as well as exploring the social and professional implications of withdrawing the doctorate, contributes decisively to awareness of the risks to which both individuals and institutions that adopt, tolerate or promote such immoral conduct are exposed.

2. Premises

Research is based on academic integrity, as a means of propelling and protecting knowledge, experience and scientific development. The principles brought together under the umbrella of academic integrity – honesty, responsibility, fairness, transparency, respect – are intended to deter or act as a shield against fraud². In other words, the principles of academic integrity have the role of „guardian” of morality, originality and scientific value.

In the opinion of Raluca Ghențulescu (2019:2): „Viewed from the perspective of its scope of applicability, integrity is a descriptive concept, since it takes into account the already existing traits of a certain person or a group of people seen as a unitary whole (in our case, the academic community), while deontology has a normative character, mentioning, as the etymology of the term itself proves (*deontos* in Greek meant what is fitting, what is proper), what the good practices of a certain profession should be.”

In the Romanian legislation, principles such as academic freedom, fairness, transparency, moral and professional integrity, independence from any influence, regardless of its nature, moral, social and professional responsibility are enshrined (Framework Code of University Ethics and Deontology³, art. 3), with the same mission, to demand in unison a correct, moral, transparent conduct on the part of the academic community in research activity. The purpose of university ethics and deontology is, on the one hand, to increase the quality in the educational and research process, and on the other hand, to strengthen trust and respect both at the level of the academic environment and towards it from society (Framework Code of University Ethics and Deontology, art. 2).

Along with academic integrity, meritocracy represents an indispensable concept for a healthy educational system, based on original creation, effort and competence. What does meritocracy entail? An ideal model of social, professional, educational, economic and political order, where merit, competence, professional results, talent and dedication are the criteria for employment, promotion in positions and reward for results achieved in a certain field of activity.

What is the connection between academic integrity and meritocracy? Taken as a whole, the two notions seem to be two parts of a body, inextricably united, academic integrity having as its sphere of action the scientific field, whose achievements, discoveries and knowledge are applied in the social, professional, economic and political environment, where meritocracy should govern. Paradoxically, however, meritocracy also transcends the area of academic integrity sovereignty because, in reality, they have the same foundations: equal access, without discrimination; promoting fair and transparent conduct; rewarding merits; combating fraud. This interdependence and interpenetration of the concepts can be described as an uninterrupted circle of evolution because you cannot have a society characterized by meritocracy without the contribution of academic integrity, the existence of which, however, depends entirely on the principles and values of meritocracy. Thus, the connection between the two gives rise to a dilemma: What came first, meritocracy or academic integrity?

The dissolution of the natural covenant between meritocracy and academic integrity represents an imbalance in the system and an insurmountable obstacle to development and knowledge. The threat or endangerment of the balance of the system does not come from outside, the cracks being caused by the internal undermining of the rules, principles and values that ensure stability. The individualistic and superficial desire to shorten the path through immoral means, to obtain, here and now, something that is not due to one, an

¹ The doctoral degree confers the title of doctor of sciences, corresponding to the acronym Dr. or, in a professional field, corresponding to the acronym Dr. P. [Law no. 199/2023, art. 47 para. (2)].

² Plagiarism, fabrication or falsification of data, buying or selling works („ghostwriting”), nepotism or academic favoritism.

³ Approved by dec. no. 305/04.04.2024, published in the Official Gazette of Romania, Part I.

immediate and undeserved satisfaction, to consider oneself above any rule or entitled to completely ignore the huge consequences created by fraud, deception, borne by the collective interest, are the catalysts of this destructive phenomenon. The permeability of the system is reflected in all environments and at all levels, encompassing the entire society. Countless confirmed plagiarism accusations, people occupying key positions without the necessary training, transforming them into so-called sinecures, educational institutions that „industrialize” degrees for profit, all of this and much more contribute to undermining scientific progress.

The expression „rules are made to be broken” also finds its place in the normative framework created to protect education. As a result, where the preventive mechanism fails, the coercive one must intervene, which will force appropriate behavior or counteract the effects of deviation from the norms, depending on the severity and the stage at which the violation was discovered. The main coercive instrument is the engagement of the person or institution guilty of violating the norms of university ethics and deontology, which will be sanctioned for the compromising actions. The range of sanctions is governed by the principle of proportionality, becoming stricter at each step up the scale of seriousness of the act, from a simple written warning to dismissal from office, if we are talking about teaching, auxiliary teaching and research staff (Law no. 199/2023⁴, art. 172), and students, doctoral students, postdoctoral researchers or other categories of students may be subject to a written warning, cancellation of results, expulsion or other sanctions provided for by the Code of University Ethics and Deontology of the higher education institution (Law no. 199/2023, art. 174).

2. The Doctorate. Importance and Role in Society

2.1. History and Significance of the Doctorate

The genesis of the doctorate dates back to ancient times, the distinction being unofficially awarded in the Roman Empire to orators, jurists and philosophers, which explains the etymology of the word, which is derived from the Latin verb *docēre* (to teach, to instruct), more precisely from the past participle *doceō*⁵, meaning *teacher* or *professor*. In the Roman educational system, there were advanced schools in Athens, the center dedicated to philosophy, and Rome, where schools of law and oratory were organized, and medicine and sciences were studied in Alexandria. Although the doctorate was not officially awarded by the Roman Empire, Roman law schools made a significant contribution to the creation and development of doctoral studies.

The distinction was given an official status in the Middle Ages, more professional than academic, being conferred on professors who obtained the right to teach. In 1150, the University of Bologna was the first institution to award the title of „Doctor of Law” (*Doctor Juris*), closely followed by the University of Paris (*Doctor of Theology*) and the University of Oxford (doctorates in law, medicine and theology). Doctoral studies could be done exclusively in the field of theology, law or medicine, which were considered essential for medieval society. To obtain the highest academic degree of those times, the student had to follow advanced and long-term courses, the duration of studies being, depending on the field of in-depth study, between 5 and 10 years.

Upon completion of doctoral studies, the candidate had to participate in a „public debate” (*Disputatio pro Doctoratu*), in which he had to analyze a thesis (*quaestio*) and thus demonstrate his knowledge, capacity for analysis and synthesis, the ability to argue and logical thinking. Following promotion, the candidate was awarded the title of doctor and an international teaching license, and as distinctive signs of rank, he received an academic robe and cap. In the following centuries, the doctorate system spread across Europe, increasing the number of disciplines, and the doctorate rose to the level of a symbol of authority and intellectual excellence.

The two great intellectual, cultural and philosophical movements, the Renaissance and the Enlightenment, made essential contributions to the reform and modernization of the educational system. The Renaissance, characterized by a critical spirit and a more scientific vision of education, favored the expansion of the doctorate in fields such as mathematics, natural sciences and philosophy, which acquired the status of independent disciplines, and gave more importance to the empirical method, the foundation of modern scientific research. The Enlightenment promoted reason, science and education as the foundations of development, consolidating the scientific method, which had the effect of transforming universities into research centers. During this period, the perception of the doctorate changed, being considered a scientific investigation, and the requirement of an original thesis, based on rational arguments and empirical evidence, was regulated.

⁴ Published in the Official Gazette of Romania no. 614/05.07.2023.

⁵ <https://en.wiktionary.org/wiki/doceo>, last consulted on 01.02.2025.

Under the influence of this intellectual movement, access to education, which until then had been reserved only for the nobility and clergy, was expanded, the first scholarships for doctoral students were awarded, and the use of doctorates in public administration and economics began, given the usefulness of scientific research for these fields.

Following the revolutionary reforms initiated by Wilhelm von Humboldt (1767-1835) at the beginning of the 19th century, the doctorate was transformed into a research process, based on originality, autonomy, and the involvement of teachers and students in scientific activity. The Humboldtian example was taken up throughout the world and constitutes both the foundation of modern university studies and the international standard in terms of scientific knowledge and research.

The first universities in Romania were established in the 19th century, the first modern institution of this type being the University of Iași (1860), founded by Alexandru Ioan Cuza. The first doctoral degrees in Romania were awarded by the University of Iași, the University of Bucharest (founded in 1864), and the University of Cluj, re-established as a Romanian university in 1919.

Before the establishment of local universities, Romanians pursued doctoral studies abroad, mainly in university centers in Paris, Berlin, and Vienna. The Romanian university system developed after the Great Union of 1918 by increasing the number of universities and diversifying doctoral schools in disciplines such as law, sciences, and humanities, and doctoral studies were regulated according to the Humboldtian model.

During the communist period, the purpose of doctoral studies was diverted, being transformed into a means of political control. Access to the doctorate was politicized and an orientation of scientific research was established towards fields such as engineering, medicine and agriculture, considered useful to the communist regime. After the 1989 Revolution, the university system was reformed to meet European standards, creating a legal and institutional framework designed to ensure the quality and correctness of scientific research activity.

The symbolic significance of the doctorate has been preserved throughout the centuries, this distinction being synonymous with erudition, academic prestige, high intellectual authority and master, holder or guide of knowledge. The holder of the title was part of the social elite, enjoying in certain countries and periods including professional and social privileges. Later, after the adoption of the Humboldtian model, in addition to other meanings, the doctorate becomes a symbol of original knowledge, innovation and human progress, in modern society being considered a crucial instrument for the scientific development of society.

2.2. The academic and professional role of the doctorate

The practical, effective relevance of the doctorate differs depending on the field, representing, for example, a mandatory condition for holding positions in the academic environment such as lecturer, associate professor, professor and doctoral supervisor (Law no. 199/2023, art. 206). Although it is not necessary in fields such as engineering, management, economic sciences, pharmacy or social sciences, it can constitute a competitive advantage in research activity. In the private sector, public administration and software development, the value of the doctorate is reduced, with emphasis placed mainly on practical experience.

In academic careers, the role of doctoral studies is fundamental, with opportunities in academia being limited without this condition being met. For example, to be a doctoral supervisor, a person must hold a doctoral degree, meet the minimum national standards developed by CNATDCU to obtain a habilitation certificate and become a member of a doctoral school (Law no. 199/2023, art. 69). In order to advance in a career, the doctorate representing only a base, a starting point, it is necessary that the scientific activity be continuous, as is the case with professional research and development degrees, where the examination file for promotion to a higher degree must contain the list of the most relevant scientific publications, patents, articles and scientific contributions⁶.

⁶ Art. 7 of the Methodological Norms of 04.12.2024, Law no. 183/2024 on the status of research, development and innovation personnel, published in the Official Gazette of Romania no. 546/12.06.2024.

3. Reasons for withdrawing the doctorate

3.1. Plagiarism and academic self-plagiarism

Nothing is truly original in this world, not even itself, until proven otherwise. Paradoxically, not even the ideas, theses or reflections in the specialized literature on originality are original. One thing is certain, however, the definitions of the word „original” are not able to capture the essence of what we want or expect from this concept in terms of creation. It has a clear meaning when it defines that thing that was first, even if we are talking about the first copy, the first form, the first edition of something that was or is to be reproduced or about a being, an object that serves as a model, but the condition imposed on ideas, theories, creations, to be the property of a person, without being imitated after someone else, or the one demanded of authors, to create something new, without using a model made by someone else⁷, is unattainable.

The lack of originality is, in fact, an intrinsic human condition, man being in turn, according to the creationist theory, an immutable copy made in the image and likeness of divinity or, according to the evolutionary thesis, a species that is in continuous evolution, that is, an improved version of an already existing being. Man learns by imitation and develops in a society governed by rules that shape his thinking and behavior according to pre-established patterns. The process of human creation is, in reality, a construction on a pre-existing foundation formed by the experiences and knowledge accumulated up to that moment. The great scientific discoveries and masterpieces of the world have a source of inspiration or copy to a greater or lesser extent something previous: the Mona Lisa portrait, painted by Leonardo da Vinci, had as its model a real person, the uniqueness of this work of art being given by the technique used in painting; „Hamlet”, a work written by William Shakespeare, was inspired by the legend of Amleth; the lyrics at the end of Ludwig van Beethoven's Ninth Symphony are excerpted from the „Ode to Joy”⁸, etc. Through his science fiction novels, Jules Verne inspired countless scientists, his writings influencing and contributing to the invention of the electric submarine, the space module, the airship, as well as laying the foundations of astronautics.

Therefore, the absolute condition of being original, of creating something completely new, without imitating or taking inspiration from another model, is an impossible standard, which is why, at least in terms of intellectual property, “originality concerns the form of expression and the structure of the work – the rendering, organization, systematization of the intellectual creation and not its ideational content”, as Mihaela Șt. Rădulescu (2016)⁹ shows.

Romanian legislation¹⁰ defines plagiarism as the presentation as a supposedly personal creation or scientific contribution in a written work, of texts, ideas, demonstrations, data, theories, results or scientific methods belonging to other authors, without mentioning this and without referring to the original sources, and self-plagiarism as the republication of substantial portions of one's own previous works, including translations, without indicating or citing the original appropriately.

Why shouldn't we plagiarize?

Plagiarism is intellectual theft, an immoral and condemnable act that results in moral and social damage to the author's credibility, in addition to legal consequences such as withdrawal of the academic title, loss of the position whose occupation depended on holding the withdrawn diploma, copyright infringement and possible financial damages. By far the most serious consequence is the diminution or destruction of society's trust in education.

However, why do we plagiarize?

Plagiarism is resorted to for various reasons, objective or subjective, but all of them, regardless of their character, mitigating or aggravating, lead to the same undesirable effect, the social and professional compromise of the individual. Objective causes include: time pressure; competitiveness; lack of an adequate legal and institutional framework; the irresistible temptation to use, in raw form, information from the online environment or content generated by AI. In competition with these reasons, subjective factors also play a major role in the decision to plagiarize, people being led on this path by pride, ambition, the impossibility of foreseeing

⁷ <https://dexonline.ro/definitie/original>, last consulted on 01.02.2025.

⁸ Poem written by Friedrich Schiller.

⁹ M.Șt. Rădulescu, *The concept of originality in the field of scientific creation*, 2016, available at <https://www.diacronia.ro/ro/indexing/details/A25182/pdf>, last consulted on 02.02.2025.

¹⁰ Art. 169 of Law no. 199/2023 on higher education; art. 4 of the Framework Code of University Ethics and Deontology from 04.04.2024.

or accepting the consequences of the act, the need to obtain a job or the desire to succeed in an environment for which they do not possess the necessary knowledge and skills.

3.2. Academic fraud

Fraud in science means, according to art. 4 letter a) of Law no. 206/2004 on good conduct in scientific research, technological development and innovation¹¹, „the deliberate action of fabrication, falsification, plagiarism or illicit alienation of the results of scientific research”.

Fabrication of results or data is defined by the legislation as the reporting of fictitious results or data, which were not obtained within a research and development activity (Law 199/2023, art. 169) or „the recording and presentation of imaginary data, which are not obtained through the working methods used in research” (Law 206/2004, art. 4 letter b), and falsification, as the selective reporting, rejection of data or results that are unwanted or do not support the proposed hypothesis („cherry-picking”) for the purpose of distorting scientific truth, both forms of manipulation implying, in fact, the falsification of reality. Academic fraud can have particularly serious consequences for society, science and the academic community, affecting not only the careers and reputations of the individuals involved, but also society as a whole. Taking decisions on the results of research based on false, truncated or artificially enhanced data can endanger public health, lead to substantial errors in research or negatively influence technological progress.

Among the famous cases of academic fraud is the study published by Andrew Wakefield in 1998, through the specialist journal „The Lancet”, which claimed that there is a link between the MMR vaccine and autism. In February 2009, „The Sunday Times” stated that Wakefield altered and reported inconsistent data in his research, in an attempt to create the appearance of a possible link with autism. The study and its support led to a decline in vaccination rates in the United States, Great Britain, and Ireland and a proportional increase in infections, which caused serious illness and death among the population¹².

Another form of academic fraud is the fraudulent practice of selling or buying works with the aim of being appropriated by the buyer and presented as personal creation („ghostwriting”). The act constitutes a misdemeanor and is punishable by a fine of 100,000 to 200,000 lei.

Thus, according to Title V, art. 259 para. (2) and (3) of Law no. 199/2023: „(2) *It is prohibited to offer for sale, sell or make available to individuals, under any title, works with the aim of being used as scientific works, papers, projects, graduation, bachelor's, diploma, dissertation or doctoral theses or in order to promote assessments.*

(3) It is prohibited to purchase works for the purpose of using them as scientific papers, reports, projects, graduation, bachelor's, diploma, dissertation or doctoral theses or for the purpose of promoting assessments.”

Recent debates in the scientific community indicate a significant increase¹³ in works published in journals or by publishing houses that do not comply with standards („predatory publishing”¹⁴ or „deceptive publishing”). This type of publication is characterized by the priority given to self-interest to the detriment of scientific knowledge, accepting the publication of articles without proper scientific evaluation or quality control by specialists in that field („peer review”), which may be of mediocre or inferior quality or may contain erroneous information. Given the consequences in terms of the author's credibility, the reputation of educational institutions and trust in scientific research, this practice also falls under the category of academic fraud.

3.3. Non-compliance with academic standards

Academic quality assurance consists of a continuous process of „evaluation of the quality of a higher education system, institution or programme by the competent authority or authorities”, with the aim of providing guarantees regarding the maintenance and permanent improvement of educational standards (Annex Law no. 199/2023, point 6). The quality of education is defined, in point 14 of the same annex, as a set of characteristics of a study programme and its provider that ensure the achievement of specific standards and the satisfaction of the expectations of the beneficiary.

¹¹ Published in the Official Gazette of Romania no. 505/04.06.2004.

¹² https://en.wikipedia.org/wiki/Andrew_Wakefield, last consulted on 02.02.2025.

¹³ For a new culture in academic publishing policy-<https://www.cnsc-nrc.ro/wp-content/uploads/2016/12/Comunicat-CNCS>, last consulted on 02.02.2025.

¹⁴ https://en.wikipedia.org/wiki/Predatory_publishing, last consulted on 03.02.2025.

According to art. 221 para. (1) of Law no. 199/2023, the principles of quality assurance are: the responsibility of institutions in terms of ensuring the quality of the activities carried out; adaptation to the diversity of institutions, programmes and students; consolidation of a culture focused on quality; correlation with the requirements and expectations of stakeholders; focus mainly on results. The purpose of quality assurance processes is to build the trust of beneficiaries in the educational services provided, in accordance with quality standards, according to art. 223 para. (2) of the same normative act.

The quality of education¹⁵ is assessed based on the criterion¹⁶, standard¹⁷ and performance indicator¹⁸, and its assurance and evaluation take into account institutional capacity, educational effectiveness and quality management and „is carried out in compliance with the principles of legality, responsibility, independence and autonomy, academic ethics and deontology, legitimacy, professionalism, impartiality, transparency, efficiency and sustainability” [Law no. 199/2023, art. 221, para. (2)]. The Romanian Agency for Quality Assurance in Higher Education (ARACIS) formulates and periodically reviews national reference standards, as well as performance indicators regarding the evaluation and assurance of quality in higher education¹⁹.

Academic quality criteria are divided into three categories: criteria for the accreditation of educational institutions (curriculums, teaching staff, material base, research activity, etc.), criteria for the effective quality of the educational process (teacher qualifications, curriculum, teaching, student assessment and results, etc.) and criteria regarding the quality of scientific research (respect for ethics and academic integrity; scientific relevance and contribution; originality of research; methodological rigor).

For illustration, in the Specific Standards regarding the external evaluation of the academic quality of study programs in the bachelor's and master's fields of study related to the specialty committee no. 3 for legal sciences²⁰, it is specified that the dissertation must reveal the scientific knowledge of the topic, approach the development or solution of the topic and the scientific method of validating it in an original way, and constitute significant progress in relation to the requirements of the bachelor's thesis (p. 18-19).

The minimum national standards necessary and mandatory for the award of the doctoral degree are provided by the Order of the Ministry of Education and Research no. 3018/2025²¹ on groups of fields assigned to the specialty committees of CNATDCU, and will apply to doctoral students enrolled in the doctoral program starting with the 2025-2026 academic year. For example, for the theology committee, the minimum acceptance criteria for public defense are established – the title is consistent with the content of the thesis, the topic is clearly defined, the hypotheses are fully defined, the conclusion is clearly formulated – the ethics and research technique (circumscription of the research topic to the supervisor's area, prohibition of plagiarism, clear delineation of the author's contribution by delimiting their own results from the stage of research) and the specialized reports, which will be prepared, in particular, with assessments regarding the scientific relevance of the thesis, the impact of the results, the contributions made to knowledge, the degree of originality, etc.

Nationally, in recent decades, there have been several cases in which the diploma and the doctorate were conferred unjustifiably, especially in the political environment or in public administration. Gabriel Oprea²², former Minister of Internal Affairs, was accused of plagiarism, an aspect confirmed by the synthesis report²³, prepared by CNATDCU, regarding the doctoral thesis on the topic „Preliminary Complaint Procedure”, written and presented by him in 2000. His scientific title of doctor was withdrawn by order of the Minister of National Education and Scientific Research, but in 2023, this act was annulled by the High Court of Cassation and Justice, following a court action²⁴.

¹⁵ The processes of educational quality are: planning and effective achievement of expected learning outcomes; internal and external evaluation of outcomes; auditing of internal evaluation of outcomes [Law no. 199/2023, art. 225 para. (1)].

¹⁶ Fundamental aspect of the organization and functioning of an education provider/higher education institution [Law no. 199/2023, art. 225 para. (2) letter a)].

¹⁷ Description of the requirements formulated in terms of rules or results, which define the minimum mandatory level of achievement of an activity in education [Law no. 199/2023, art. 225 para. (2) letter b)].

¹⁸ Instrument for measuring the degree of achievement of an activity carried out by an education provider/higher education institution, by reporting to standards [Law no. 199/2023, art. 225 para. (2) letter c)].

¹⁹ <https://www.aracis.ro/>, last consulted on 04.02.2025.

²⁰ https://www.aracis.ro/wp-content/uploads/2019/07/29012018_Standarde_C3_-_Stiinte_Juridice_-_Varianta_finala.pdf, last consulted on 04.02.2025.

²¹ Published in the Official Gazette of Romania no. 78/29.01.2025.

²² https://ro.wikipedia.org/wiki/Gabriel_Oprea, last consulted on 04.02.2025.

²³ https://www.cnatdcu.ro/wp-content/uploads/2016/04/Raport-Sinteza_Oprea-Gabriel.pdf, last consulted on 04.02.2025.

²⁴ <https://www.edupedu.ro/inalta-curte-de-casatie-si-justitie-a-anulat-ordinul-prin-care-fostului-vicepremier-oprea-i-a-fost-anulat-titul-de-doctor-in-urma-verdictului-de-plagiat-oprea-scrie-acum-ca-asta-ar-arata-ca-nu-a-p/>, last consulted on 04.02.2025.

Another case in which the doctoral thesis did not comply with academic standards is that of Laura Codruța Kövesi²⁵, author of the doctoral thesis „Combating Organized Crime through Criminal Law Provisions”, regarding which CNADTCU, in a joint report²⁶, decided to prohibit the publication of the thesis in that state because it „is below the quality standards” of such a work, without proposing, however, the withdrawal of the doctoral title.

4. Relevant legal and institutional framework

4.1. National and international regulations

In Romania, the Higher Education Law no. 199/2023 constitutes the „legal framework for the exercise, in higher education institutions, under the authority of the Romanian state, of the education, research and continuous training process and regulates the structure, organization and functioning of higher education in Romania, the status of higher education staff, as well as the legal framework for quality assurance” [art. 1 para. (1)]. Section 12 of this normative act is dedicated to the doctorate, the third cycle of university studies, which is carried out according to the Framework Regulation on doctoral studies of 08.01.2024. The doctoral university study program is defined in the framework regulation, in art. 2, as „the totality of relevant activities in which the doctoral student is involved” – design, teaching, research, evaluation, etc., and is organized in doctoral schools.

The notification to the ethics committee within the higher education institution regarding the commission of a deviation from university ethics and deontology can be made by any person [Law no. 199/2023, art. 171 para. (2)] and must include, according to para. (4) of the same article, „*mandatory, an reasoned motivation regarding the non-compliance with the norms of ethics and professional deontology, with concrete examples and indicating the justifying considerations and sources of documentation*”.

The procedure for investigating the complaint involves summoning the person investigated in writing, analyzing the facts reported and adopting a decision of admission or rejection, which represents an administrative act. The decision may be appealed to CNATDCU, CNEMU or the National Council for Ethics of Scientific Research, Technological Development and Innovation. The reasoned decision of CNATDCU or CNEMU will be implemented within 30 days of communication, if it is different from that of the university ethics committee.

If the existence of plagiarism is found by the university ethics committee or CNATDCU, if the final decision is not contested in court, it is communicated to the rector who must file an administrative action, in order to cancel the doctoral degree awarded by the higher education institution, if „the doctoral degree has entered the civil circuit and has given rise to subjective rights guaranteed by law”. If the doctorate was confirmed by order of the minister, the Ministry of Education is obliged to file an administrative action to annul the order, provided that it has not entered the civil circuit. The doctorate diploma or the minister's order of confirmation may be revoked if the act has not entered the civil circuit and has not given rise to subjective rights guaranteed by law²⁷.

Revocation of a doctorate is a sanction provided for in other countries for academic fraud, but the procedure and frequency vary from one legal system to another. For example, in the United States, the decision-making power on the revocation of the title rests with the educational institutions, according to their own rules and procedures, but it is a process rarely encountered in practice. A doctorate can be revoked following the publication of false or inconsistent data, plagiarism, serious errors discovered by other researchers, or violation of a confidentiality agreement, but it is necessary that the academic fraud was done knowingly. One of the first doctoral theses revoked as a result of fraud was published by James McCrocklin in 1959. The University of Texas could not revoke the title because the court determined that a court action must be filed so that the author can defend himself and plead in favor of the thesis²⁸.

In Germany, the legal framework regarding the withdrawal of a doctorate is similar to the Romanian one, in the sense that the same reasons lead to the application of the sanction – plagiarism, scientific fraud and violation of ethics and deontology – and the procedure involves the investigation of the accusation by the

²⁵ https://ro.wikipedia.org/wiki/Laura_Codru%C8%9Ba_K%C3%B6vesi, last consulted on 04.02.2025.

²⁶ <https://www.cnatdcu.ro/wp-content/uploads/2016/04/Raport-comun-nesemnnt-LCK.pdf>, last consulted on 04.02.2025.

²⁷ Art. 172 para. (8) of Law no. 199/2023.

²⁸ <https://academiainsider.com/can-a-phd-be-revoked-everything-you-need-to-know/>, last consulted on 05.02.2025.

university's ethics committee, with revocation being ordered in case of confirmation. The decision to withdraw belongs to the university and can be challenged in court²⁹.

Appropriate research conduct is not clearly defined in France, with the French Office for Research Integrity („Ofis”) identifying two categories of deviations, generic, intentional and particularly serious scientific fraud, and questionable research practices³⁰. Revocation of the doctorate is provided for by French law, but is an extremely rare procedure.

4.2. The role of academic institutions and ethics committees

Academic institutions and university ethics committees have a fundamental role in promoting, implementing and maintaining academic integrity, the latter representing the most important and effective mechanism through which compliance with standards of ethics and university deontology is ensured. The duties of the ethics committee include monitoring compliance with the code of ethics and deontology in the institution, analyzing and resolving complaints regarding deviations from the norms, having both a preventive and coercive role.

The code of ethics and university deontology, adopted by higher education institutions, is also an essential tool for respecting ethical norms. It must include, in a mandatory manner, the measures taken to guarantee the originality of works, conflicts of interest, incompatibilities, the definition of unacceptable behavior of community members, the internal framework for preventing deviations from the norms, etc. (Law no. 199/2023, art. 18).

The sanctions provided for in case of non-compliance with the norms of ethics and university deontology act both preventively, being intended to form a culture of integrity and to discourage incorrect or immoral behaviors, and reparative, by engaging the responsibility of the guilty person, thus maintaining the balance, standards and reputation of the institutions.

Good practices in the academic field consist of clear, public and accessible policies regarding academic integrity, the creation of a system based on fairness and transparency, awareness of ethics and deontology university, informing students and teaching staff about ethical norms, rigorous verification of scientific works, including with the help of anti-plagiarism software, and conducting an adequate, fair and transparent procedure for sanctioning violations.

5. Conclusions and personal contributions. Directions for developing the theme

The analysis of the history, significance and role of the doctoral title, the reasons for revocation or cancellation of this distinction, the academic, social and professional implications and the national and international regulations in the matter reveal the importance of preserving the status of doctoral university studies and the need to develop the current framework for the protection of this vital instrument of knowledge.

The rules, policies and sanctions currently implemented, which are intended to prevent and discourage academic fraud, by promoting a culture based on excellence, fairness and responsibility, prove to be, in some cases, ineffective and inadequate in counteracting fraudulent methods, and in others, ineffective, since they are applied much too late in relation to the time of the act, and the consequences already produced are difficult or impossible to remedy, or the sanction does not materialize due to procedural defects. Of course, it should also be noted that the current legislation, due to the lack of clear, uniform and predictable provisions, favors the emergence of unfair cases in terms of legal treatment, in which the illicit action, although unequivocally proven, does not receive an appropriate sanction as a response since the rules leave room for interpretation.

In order to effectively address academic fraud, the forms and means of which are constantly changing and adapting in order to circumvent legal provisions, the regulatory framework must anticipate and regulate in a clear, predictable and coherent manner the targeted behavior, the necessary actions and the consequences – preferably, in a single regulatory act – that expressly specifies what must be done and what is prohibited, the minimum standards for each stage of scientific research, including with regard to the content of the scientific paper, the clear and predictable criteria that will be taken into account when classifying the act as plagiarism or academic fraud (for example, establishing a minimum threshold for plagiarism), understandable definitions of

²⁹ https://en.wikipedia.org/wiki/Scientific_plagiarism_in_Germany, last consulted on 05.02.2025.

³⁰ <https://www.enrio.eu/country-reports/france-2/>, last consulted on 05.02.2025.

the imposed conditions (originality, scientific value, etc.) and the implementation of strict mechanisms for verifying originality.

Currently, the legal framework in this area does not act as a whole, the provisions being spread across directives, laws, orders, framework regulations, codes and standards. To make an exhaustive analysis of a norm, one must follow its path, which starts from the initial text and passes through at least one reference or completion norm, without having the certainty, at the end, that the topic has been „exhausted”.

The most relevant example in support of the proposal to reform the legislative framework is the National Minimum Standards Necessary and Mandatory for the Award of the Doctoral Degree, approved by Order 3018/2025, issued by the Ministry of Education and Research, which clearly and concisely specifies only in the case of certain committees, such as the theology committee, the minimum conditions that must be respected regarding scientific activity, public support, research ethics and the content of specialized papers, the rest being limited to establishing the minimum number of published articles, participation in conferences or the use of databases. In conclusion, doctoral studies are of fundamental importance in the development and progress of society, their credibility and impact being strongly influenced by the ability of the legal and institutional framework to consolidate and protect the status of scientific research, which requires the urgent review of policies in the field and the implementation of effective measures to reduce academic fraud.

References

- Ghențulescu, R., *Etică academică*, Conspress Publishing House, Bucharest, 2019;
- <https://dexonline.ro/definitie/original>;
- https://en.wikipedia.org/wiki/Andrew_Wakefield;
- https://en.wikipedia.org/wiki/Predatory_publishing;
- https://en.wikipedia.org/wiki/Scientific_plagiarism_in_Germany;
- <https://en.wiktionary.org/wiki/doceo>;
- https://ro.wikipedia.org/wiki/Gabriel_Oprea;
- https://ro.wikipedia.org/wiki/Laura_Codru%C8%9Ba_K%C3%B6vesi;
- <https://www.aracis.ro/>;
- https://www.aracis.ro/wp-content/uploads/2019/07/29012018_Standarde_C3_-_Stiinte_Juridice_-_Varianta_finala.pdf;
- <https://www.cnatdca.ro/wp-content/uploads/2016/04/Raport-comun-nesemnnt-LCK.pdf>;
- https://www.cnatdca.ro/wp-content/uploads/2016/04/Raport-Sinteza_Oprea-Gabriel.pdf;
- <https://www.edupedu.ro/inalta-curte-de-casatie-si-justitie-a-anulat-ordinul-prin-care-fostului-vicepremier-oprea-i-a-fost-anulat-titul-de-doctor-in-urma-verdictului-de-plagiat-oprea-scrie-acum-ca-asta-ar-arata-ca-nu-a-p/>;
- <https://www.enrio.eu/country-reports/france-2/>;
- *Pentru o nouă cultură în politica publicațiilor academice*, available at <https://www.cncs-nrc.ro/wp-content/uploads/2016/12/Comunicat-CNCS.pdf>;
- Rădulescu, M.Șt., *Conceptul de originalitate în domeniul creației științifice*, 2016, available at <https://www.diacronia.ro/ro/indexing/details/A25182/pdf>;
- Stapleton, A., *Can a PhD be revoked? [Everything you need to know]*, 2021, available at <https://academiainsider.com/can-a-phd-be-revoked-everything-you-need-to-know/>.

Legislation

- Code of Ethics and Deontology of „Nicolae Titulescu” University of Bucharest;
- Framework Code of University Ethics and Deontology approved by dec. no. 305/2024, published in the Official Gazette of Romania, Part I;
- Framework Regulation on doctoral studies of 08.01.2024;
- Law no. 199/2023 on higher education;
- Law no. 206/2004 on good conduct in scientific research, technological development and innovation;
- Methodological Norms of 04.12.2024, Law no. 183/2024 on the status of research, development and innovation personnel, published in the Official Gazette of Romania no. 546/12.06.2024;
- National Minimum Standards Necessary and Mandatory for the Award of the Doctoral Degree, approved by Order 3018/2025, issued by the Ministry of Education and Research.