# VREDNOTENJE PRAVNE ZNANOSTI V SLOVENIJI

*Manifest za pravno znanost v Sloveniji in prispevki s konference*

# EVALUATION OF LEGAL SCHOLARSHIP IN SLOVENIA

*Manifesto for Legal Scholarship in Slovenia and Contributions from the Conference*

Univerza v Mariboru, Univerzitetna založba
Univerza v Ljubljani, Pravna fakulteta
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*Izdajatelji in založniki:* Univerza v Mariboru, Univerzitetna založba
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Maribor in Ljubljana, 2026

*Manifest je skupaj s spremljajočimi besedili objavljen v slovenskem in angleškem jeziku, saj problematika vrednotenja pravne znanosti presega slovenske meje, njegovo oblikovanje pa je potekalo tudi ob podpori in sodelovanju profesorjev ter drugih akademskih udeležencev iz tujine.*

# Kazalo


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# Predgovor

**Akademik prof. dr. Janez Kranjc**
Slovenska akademija znanosti in umetnosti (SAZU)

Zelo sem vesel, da imam priložnost sodelovati v tej razpravi, in organizatorjem se zahvaljujem za povabilo.

Dovolite mi, da z vami delim nekaj razmišljanj o vprašanju, zaradi katerega smo se danes zbrali.

Stališče, da se v habilitacijskih postopkih oziroma postopkih akademskega napredovanja upoštevajo zgolj objave v tujih publikacijah, je v številnih pogledih škodljivo za razvoj pravne znanosti. Zakaj?

Pravna znanost prava ne ustvarja neposredno, temveč ga preučuje, sistematizira, razlaga in izpopolnjuje ter tako deluje kot most med abstraktnimi pravnimi pravili in njihovo pravilno uporabo. V svojem bistvu pomeni racionalizacijo pravne ureditve in pravne prakse.

To postane jasno, če pogledamo temeljne naloge in značilnosti pravne znanosti:

Pravnonormativno gradivo povezuje v skladen sistem ter tako omogoča njegovo boljše razumevanje in pravilno uporabo.

Oblikuje temeljne pravne pojme, ki služijo kot orodja pravnega mišljenja in pravnega argumentiranja.

Kritično presoja veljavno pravo, ocenjuje njegovo skladnost, pravičnost in učinkovitost, opozarja na njegove pomanjkljivosti ter predlaga izboljšave.

Daje usmeritve za uporabo in nadaljnji razvoj prava.

Omogoča predvidevanje učinkov posameznih pravnih pravil in sodnih odločitev v praksi.

Krepi spoštovanje temeljnih pravnih vrednot ter umešča pravo v širši družbeni kontekst, s čimer prispeva k legitimnosti pravnega sistema.

Te naloge lahko zadovoljivo opravljajo le pravni strokovnjaki, ki so sposobni kritično presojati zakonodajo in sodno prakso v jeziku, v katerem sta nastali.

Če kot merilo akademske odličnosti in napredovanja upoštevamo zgolj objave v tujih revijah, s tem slabimo pravno znanost. Takšna politika dolgoročno zmanjšuje kakovost domačih pravnih publikacij in ustvarja začaran krog: domače pravne revije postajajo za raziskovalce vse manj privlačne, ker jim ne prinašajo ustreznega priznanja v habilitacijskih postopkih. Posledično se njihova kakovost zmanjšuje, zato se še težje vključijo v mednarodne baze, ki določajo faktor vpliva. Edina možnost, ki jim ostane, je prehod na objavljanje v angleščini, s čimer se dodatno slabita domača pravna znanost in posredno tudi domači pravni sistem.

Ko gre za objavljanje znanstvenih prispevkov o slovenskem pravu v tujini, je treba vedeti, da tuji raziskovalci praviloma ne kažejo posebnega zanimanja za podrobne analize aktualnih vprašanj slovenskega prava. Zaradi velikosti države, njene gospodarske moči in dejstva, da pogodbeni stranki pogosto izbereta uporabo tujega prava, je slovensko pravo za tuje raziskovalce zanimivo le v omejenem obsegu. Če jih že zanima, jih zanimajo predvsem splošne informacije o slovenskem pravnem sistemu.

Poleg tega razpravljanje o pravnih vprašanjih v tujem jeziku odpira vprašanje ustrezne pravne terminologije, ki je bistvena za resno in poglobljeno obravnavo pravnih vprašanj. Prevajanje pogosto vodi v približke in poenostavitve, ki zmanjšujejo kakovost pravnega diskurza.

Razprave o pravnih vprašanjih v tujih jezikih zato ne morejo nadomestiti razprav v jeziku zakonodaje in sodnih postopkov. Dajanje prednosti objavam v tujih jezikih bo zato dolgoročno prispevalo k zniževanju standardov pravne znanosti.

Takšna usmeritev je problematična tudi z vidika nacionalne identitete in kulture. Jezik ni zgolj sredstvo sporazumevanja v vsakdanjem življenju. Potrebuje tudi razvito strokovno terminologijo, ki se lahko oblikuje in izpopolnjuje le z aktivnim sodelovanjem znanosti.

Ob tem ne smemo pozabiti, da pravo ni tipična družboslovna disciplina, temveč pomemben del humanistike. Zaradi družbene vloge prava in predvsem vrednot, ki jih uteleša, so zakonodaja, sodna praksa in pravna znanost neločljivo povezane. Ločevanje pravne znanosti od teh področij in njeno prisilno

preusmerjanje v drug jezik sta nesmiselna in škodljiva, saj ogrožata pravilno delovanje pravnega sistema.

Trditev, da slovenska pravna znanost z vztrajanjem pri objavljanju tudi v slovenskem jeziku beži pred širšo mednarodno primerjavo, je neutemeljena. Resna obravnava temeljnih vprašanj slovenskega prava je mogoča le med tistimi, ki slovensko pravo poznajo in razumejo jezik slovenske zakonodaje ter sodne prakse. Z redkimi izjemami so to slovenski pravniki in pravni raziskovalci.

Vprašanje habilitacijskih postopkov v resnici ni vprašanje objavljanja zgolj v slovenskem jeziku, temveč vprašanje, ali se pri ocenjevanju upoštevajo tudi kakovostne objave v slovenskem jeziku.

Poleg tega bi morala biti v habilitacijskih postopkih predmet presoje kakovost objavljenega dela, ne pa zgolj založnik ali revija, v kateri je bilo delo objavljeno. Če se univerza nekritično opira na status revije oziroma založnika, svojo pristojnost za presojo kakovosti raziskovalnega dela dejansko prenaša na uredništva izbranih revij. Tudi zato je pomembno, da se v habilitacijskih postopkih upoštevajo in vrednotijo tudi objave v slovenskem jeziku.

Predmet presoje ne bi smel biti jezik ali kraj objave, temveč kakovost in globina znanstvenega dela.

# Manifest za pravno znanost v Sloveniji

Zavedajoč se, da je pravna znanost eden temeljnih stebrov demokratične in pravne države, ter prepričani, da brez domače pravne misli ni mogoče ohranjati vladavine prava, varovati človekovih pravic in zagotavljati kakovostnega delovanja pravnih institucij v Republiki Sloveniji (RS), izražamo zaskrbljenost nad razmerami, v katerih se je znašla pravna znanost v RS.

Soočamo se z vrednotenjem, ki je bilo oblikovano po meri naravoslovnih in tehničnih ved ter ne odraža značilnosti pravnega raziskovanja. Pravo namreč ni le družboslovna, temveč tudi humanistična veda, ki je tesno povezana z jezikom, zgodovino, kulturo, vrednotami in institucionalnim razvojem skupnosti. Sistem, ki temelji predvsem na kazalnikih, vezanih na podatkovne baze, kot je Web of Science, ne more zajeti dejanskega pomena in vpliva pravne znanosti na družbo. Taka merila usmerjajo raziskovalce v formalno merljive objave namesto v poglobljena in družbeno relevantna dela. Posledica je drobljenje raziskovalnih tem, zmanjševanje pomena znanstvenih monografij ter preusmerjanje raziskovalne pozornosti v tuje, zlasti angleškojezične revije, ki ne obravnavajo vprašanj, bistvenih za slovensko pravno državo.

Pravna znanost je neločljivo povezana z vladavino prava in je eden od temeljev slovenske državnosti. Njeno poslanstvo je spremljati, razlagati in kritično presojati razvoj prava ter s tem varovati ustavni red in temeljne vrednote RS. Brez močne pravne znanosti v RS se izgublja sposobnost samostojnega razvoja pravnega reda, kar dolgoročno ogroža suverenost in stabilnost pravnega sistema.

## Ravnotežje med mednarodno odprtostjo in nacionalno odgovornostjo

Pravna znanost je po osamosvojitvi RS in njeni vključitvi v Evropsko unijo (EU) ter v druge mednarodne organizacije postala neločljiv del mednarodnega znanstvenega prostora. Vpetost slovenskih pravnih raziskovalcev v mednarodne raziskovalne tokove, objavljanje v priznanih tujih revijah in pri uglednih založbah ter sodelovanje v mednarodnih raziskovalnih in pedagoških mrežah so nujne in neodtujljive sestavine sodobne pravne znanosti. S tem slovenski raziskovalci na področju prava prispevajo k razvoju mednarodnih standardov vladavine prava ter hkrati krepijo ugled slovenskega pravnega znanja v svetu.

Razvoj v zadnjih desetletjih jasno kaže, da se je mednarodna dejavnost slovenskih raziskovalcev na področju prava izrazito okrepila. Število tujih objav na področju prava je danes približno trikrat večje, kot je bilo na začetku tega stoletja, po letu 2015 pa hitro narašča tudi delež objav v najvišje uvrščenih revijah. Ta trend kaže na visoko raven mednarodne primerljivosti in odličnosti pravnih raziskovalcev iz RS, ki jo je treba ohranjati in še naprej spodbujati.

Ta Manifest v nobenem pogledu ne postavlja pod vprašaj pomena mednarodnih objav niti ne posega v svobodo raziskovalcev, da svojo znanstveno odličnost izkazujejo v mednarodnem okolju. Nasprotno – raziskovalce na vseh področjih prava spodbujamo, da še naprej objavljajo v priznanih mednarodnih revijah in pri uglednih založbah, se povezujejo s kolegi v tujini ter dejavno sodelujejo v mednarodnih raziskovalnih in pedagoških projektih.

## Enakovrednost slovenskih in tujejezičnih znanstvenih objav v pravu

Osrednji razlog za zaskrbljenost, ki jo izraža Manifest, ni mednarodna odprtost, temveč nevarnost, da bi pravne objave v slovenščini in raziskovanje temeljnih vprašanj slovenskega pravnega reda postali sistemsko zapostavljeni, zaradi česar bi se raziskovalci tem vprašanjem vse redkeje posvečali.

Če bi se utrdilo razumevanje, da so znanstveno relevantne zgolj mednarodno zanimive teme in tujejezične objave, bi obstajalo resno tveganje, da vprašanja, ki so ključna za delovanje slovenske pravne države – vendar za mednarodno akademsko skupnost niso posebej zanimiva – ne bi bila deležna ustrezne znanstvene obravnave. To bi imelo dolgoročno negativne posledice za kakovost zakonodaje in sodne prakse ter varstvo pravic državljanov in drugih prebivalcev RS.

Ravnotežje med mednarodno odprtostjo in nacionalno odgovornostjo zato pomeni priznanje dveh enakovrednih razsežnosti pravne znanosti: njene vpetosti v mednarodni znanstveni prostor in njene odgovornosti do domačega pravnega reda. Mednarodna odličnost in kakovostno raziskovanje pravnih izzivov slovenskega prostora nista v nasprotju, temveč se dopolnjujeta. Le pravna znanost, ki hkrati soustvarja mednarodno pravno misel in poglobljeno premišljuje o domačem pravnem sistemu, lahko dolgoročno zagotavlja stabilnost, razvoj in suverenost pravne države.

# Vloga pravne znanosti

Pravna znanost ima odgovornost do družbe, da s svojim znanstvenim delom ohranja pravno kulturo, pravni jezik in razumevanje prava v nacionalnem prostoru. Njena vloga presega akademske okvire: je ogledalo delovanja oblasti, temelj pravne izobrazbe in vir strokovne neodvisnosti pravosodja.

Raziskovalne organizacije, ki delujejo na področju prava, si morajo pri svojem delovanju prizadevati za ravnotežje med mednarodno uveljavljenostjo raziskovalcev in ohranjanjem njihovega interesa za preučevanje stanja pravne države v RS. Mednarodna odprtost je pomembna, vendar ne sme voditi v zanemarjanje temeljnih vprašanj domačega pravnega reda, ki jih tuji raziskovalci ne bodo obravnavali.

Pravna znanost mora ostati tudi tesno povezana s pravno prakso – s sodstvom, zakonodajo, upravo in gospodarstvom. Njena naloga ni le teoretično preučevanje prava, ampak tudi oblikovanje rešitev, ki prispevajo k boljši pravni praksi in učinkovitejšemu varstvu pravic državljanov in drugih prebivalcev RS. Pretok znanja med akademskim okoljem in pravno prakso je nujen za delujočo pravno državo.

Zanemarjanje domačega pravnega raziskovanja pomeni postopno izgubo intelektualne suverenosti in zmanjšuje sposobnost pravnega sistema za samorefleksijo, odpravljanje lastnih pomanjkljivosti in razvoj.

## Monografije kot temeljna oblika pravnega izraza

Sistemske pravne monografije so v slovenskem prostoru v preteklosti odločilno prispevale k razvoju pravne znanosti in uveljavitvi pravne države. Brez njihovega ustreznega vrednotenja obstaja resna nevarnost, da bodo postopno izginjale, s tem pa bo ogrožen dolgoročni razvoj pravne stroke v RS.

Znanstvena monografija je temeljni izraz pravnega raziskovanja: nastaja kot rezultat večletnega raziskovalnega dela, omogoča celovito obravnavo pravnih vprašanj in trajno vpliva na razvoj stroke. Fiksno razmerje med monografijami in članki, ki ga uporabljajo habilitacijska in evalvacijska merila v RS, ne odraža dejanske narave raziskovanja v pravu in humanistiki ter spodbuja drobljenje raziskav in kratkoročne objave namesto celovitih znanstvenih del, ki tvorijo temelj pravne misli. Zaradi svoje izrazite humanistične razsežnosti se pravna znanost pogosto razvija skozi poglobljene monografske obravnave, ki omogočajo sistematično refleksijo prava in njegovih vrednotnih temeljev.

Podpiramo prizadevanja, da se razmerje med monografijami in članki v merilih NAKVIS, ARIS in univerz prilagodi po načelu individualne presoje. Obsežne in vsebinsko zahtevne monografije morajo biti prepoznane kot samostojni znanstveni dosežki najvišje vrednosti. Le tako bo sistem spodbujal pripravo poglobljenih del, ki prispevajo k trajnemu razvoju pravne znanosti v RS.

## Enakovrednost domačih in mednarodnih objav

Slovenske pravne revije, ki sledijo visokim znanstvenim standardom in so priznane znotraj pravne skupnosti, morajo imeti enako znanstveno veljavo kot mednarodne revije. Znanstvene veljave namreč ni dopustno presojati glede

na izvor ali jezik revije, temveč izključno glede na kakovost objavljenih raziskav. Posledično objave v slovenskem jeziku ne morejo biti obravnavane kot manjvredne, zlasti kadar obravnavajo vprašanja, bistvena za ohranitev in razvoj pravne države v RS, ki zaradi svoje specifičnosti ne pritegnejo nujno zanimanja mednarodne raziskovalne skupnosti.

V duhu Leidenskega manifesta je treba zaščititi odličnost lokalno relevantnih raziskav in priznati, da pravna znanost v svojem bistvu izhaja iz nacionalnega pravnega okolja, ki ga sooblikuje in nadzira. Po vzoru skandinavskih držav je treba razviti nacionalni register priznanih pravnih revij, ki bo zagotavljal, da se kakovost in vpliv domače znanstvene produkcije ustrezno prepoznata in vrednotita.

Ob priznavanju enakovrednosti domačih revij je treba hkrati vlagati v njihovo kakovost, prepoznavnost in uredniško odličnost. Slovenske pravne revije morajo ostati temelj pravne kulture in znanstvene razprave, vendar hkrati slediti najvišjim standardom recenzijskega postopka, mednarodne odprtosti in aktualnosti. Tako bodo privlačne za najboljše avtorje, ne da bi pri tem izgubile svojo identiteto.

## Slovenska pravna država in slovenski jezik

Vprašanje jezika v pravu ni le kulturno ali simbolno, temveč tudi vsebinsko vprašanje in hkrati ključni državotvorni element. Pravo kot del humanističnega izročila posamezne skupnosti nastaja, se razvija in se razume skozi jezik, v katerem se oblikujejo pravni pojmi, vrednote in pravna kultura. Jezik določa raziskovalno temo: objave v tujem jeziku večinoma obravnavajo teme, pomembne za mednarodno okolje, medtem ko teme, bistvene za slovenski pravni red, pogosto ostajajo brez znanstvene obravnave in s tem brez podpore v pravni teoriji.

Komunikacija znanstvene skupnosti o pravnih vprašanjih, ki so specifična za pravni red v RS, pri kateri ne sodelujejo tuji raziskovalci, ne sme potekati v angleščini. S komunikacijo v angleščini bi izgubljali slovensko pravno identiteto in prekinjali tradicijo strokovnega izražanja v slovenskem jeziku. Slovenska pravna terminologija se je skozi desetletja razvijala v domačih pravnih revijah – začenši s Pravnikom (1862) – in je del naše nacionalne dediščine ter je izjemnega pomena za ohranjanje pravne kulture in samobitnosti naroda.

Slovenski jezik v pravni znanosti ne pomeni le oblike izražanja, temveč nosi pomen, ki ga je mogoče razumeti le znotraj slovenskega pravnega prostora. Ko se slovenski državljani soočajo z vprašanji, povezanimi s pravno državo, se opirajo na pravno znanost v RS – in ta mora ostati slovenska. To ni le vprašanje jezika, temveč vprašanje samega delovanja pravne države.

## Poziv

Pozivamo državne organe, univerze, raziskovalne institucije in strokovne organizacije, naj prepoznajo pravno znanost v RS kot javno dobro, ki je nepogrešljivo za ohranjanje pravne države in demokratične kulture. Potrebna je sprememba vrednotenja znanstvenega dela, ki bo omogočila pravično obravnavo pravnih raziskav, spodbujala pripravo temeljnih znanstvenih monografij ter priznavala znanstveno veljavo domačim pravnim revijam. Raziskovalne institucije morajo spodbujati raziskovalce, da ob prizadevanju za mednarodno prepoznavnost ohranjajo zavezanost raziskovanju domačih pravnih vprašanj in prispevajo k razumevanju ter krepitvi pravne države v RS.

Manifest izraža skupno voljo in zavezo treh pravnih fakultet v RS ter obeh zvez društev pravnikov, ki bodo v okviru koordinacijske skupine spremljale uresničevanje teh načel in predlagale nadaljnje ukrepe za ohranjanje ter razvoj pravne znanosti in jezika v RS. Le tako bomo ohranili ravnotežje med mednarodno odprtostjo in nacionalno odgovornostjo ter zagotovili, da bo pravna znanost ostala zavezana svojemu temeljnemu poslanstvu – služiti pravu, družbi in državi.

## Priznavanje evropskih projektov s področja prava

Pozivamo, da se projekti, financirani iz programov Direktorata EU za pravosodje in potrošnike, v RS sistemsko priznajo kot znanstvenoraziskovalno relevantni. Veljavna ureditev po 80. členu Zakona o znanstvenoraziskovalni in inovacijski dejavnosti (ZZrID) pravo obravnava izrazito postransko ali le kot podporno disciplino drugim raziskovalnim področjem. Čeprav program »Justice« predvsem podpira pravosodno sodelovanje, usposabljanje in dostop do pravnega varstva,

njegovi projekti pomembno pripomorejo k razvoju evropskega prostora pravice, krepitvi vladavine prava ter ustvarjanju novega pravnega znanja, kar potrjuje tudi njihova raziskovalna komponenta v praksi. Njihovo nepriznavanje pomeni neutemeljeno omejevanje mednarodnega vključevanja slovenskih pravnih raziskovalcev in sistemsko zaviranje razvoja pravne znanosti.

# Sklep

Pravna znanost v RS ni zgolj akademska dejavnost, temveč hrbtenica pravne države, njen spomin in njen glas razuma. Kot disciplina, ki povezuje družboslovne in humanistične razsežnosti prava, ohranja pravno kulturo, razvija pravni jezik ter omogoča kritično refleksijo delovanja države in njenih institucij. Če bo izgubila svoj položaj, bo tudi država izgubila sposobnost, da razume samo sebe. Zato pozivamo k skupnemu prizadevanju za sistem, ki bo varoval, spodbujal in vrednotil pravno znanost v skladu z njenim poslanstvom – v službi prava, družbe in države.

# Program konference

Nacionalna konferenca Vrednotenje pravne znanosti v Sloveniji je potekala 14. maja 2026. Organizirale so jo Pravna fakulteta Univerze v Mariboru, Pravna fakulteta Univerze v Ljubljani, Evropska pravna fakulteta Nove univerze, Zveza društev pravnikov Slovenije in Zveza društev za gospodarsko pravo Slovenije. Konferenca je združila predstavnike vseh slovenskih pravnih fakultet, pravosodja, odvetništva, raziskovalnih institucij ter domače in mednarodne strokovnjake za pravno znanost in vrednotenje raziskovanja.

### 9.00–9.30 | Otvoritev in pozdravni nagovori

**Prof. dr. Tomaž Keresteš**, dekan Pravne fakultete Univerze v Mariboru

**Doc. dr. Luka Mišič**, prodekan Pravne fakultete Univerze v Ljubljani

**Doc. dr. Katarina Vatovec**, dekanja Evropske pravne fakultete Nove univerze

**Prof. dr. Miha Juhart**, predsednik Zveze društev pravnikov Slovenije

**Prof. dr. Vesna Rijavec**, predsednica Zveze društev za gospodarsko pravo Slovenije

**Prof. dr. Janez Kranjc**, član predsedstva Slovenske akademije znanosti in umetnosti (SAZU)

### 9.30–9.45 | Predstavitev Manifesta za pravno znanost v Sloveniji

**Prof. dr. Janja Hojnik**, prodekanja za raziskovanje Pravne fakultete Univerze v Mariboru

### 9.45–10.45 | Mednarodni pogledi na vrednotenje pravne znanosti

**Prof. dr. Ludo Waltman**, Univerza v Leidnu, Nizozemska; soavtor Leidenskega manifesta

**Prof. dr. Jukka Snell**, Univerza v Turkuju, Finska; koordinator strokovnega panela za pravo pri JUFO

**Prof. dr. Antonina Bakardjieva Engelbrekt**, Univerza v Stockholmu, Švedska

**Prof. dr. Kai Purnhagen**, Univerza v Bayreuthu, Nemčija

**Prof. dr. Jan Komárek**, Karlova univerza v Pragi, Češka

**Prof. dr. Rob van Gestel**, Univerza v Tilburgu, Nizozemska

### 10.45–11.40 | Slovenski in evropski pogledi

**Prof. dr. Maja Brkan**, sodnica in generalna pravobranilka Splošnega sodišča Evropske unije

**Prof. dr. Damjan Kukovec**, sodnik Splošnega sodišča Evropske unije

**Prof. dr. Rajko Knez**, Pravna fakulteta Univerze v Mariboru; nekdanji predsednik Ustavnega sodišča Republike Slovenije

**Doc. dr. Ana Polak Petrič**, veleposlanica Republike Slovenije v Zvezni republiki Nemčiji in docentka za mednarodno pravo

**Blanka Javorac Završek**, višja sodnica in direktorica Centra za izobraževanje v pravosodju

**Janez Starman**, odvetnik in predsednik Odvetniške zbornice Slovenije

### 11.40–12.40 | Razprava

**Doc. dr. Denis Baghrizabehi**, Pravna fakulteta Univerze v Mariboru

**Prof. dr. Ana Vlahek**, Pravna fakulteta Univerze v Ljubljani

**Izr. prof. dr. Petra Ferk**, Evropska pravna fakulteta Nove univerze

**Izr. prof. dr. Petra Weingerl**, Pravna fakulteta Univerze v Mariboru

**Prof. dr. Jaka Cepec**, Ekonomska fakulteta Univerze v Ljubljani

Drugi razpravljavci

### 12.40–13.00 | Zaključki konference

Povzetek ključnih ugotovitev

Naslednji koraki

# Prispevki s konference

*Naslednja besedila so uredniško prečiščene delovne različice ustnih prispevkov, pripravljene na podlagi posnetka in zapisnika konference.*

**Prof. dr. Tomaž Keresteš**
Pravna fakulteta Univerze v Mariboru

## Emancipacija pravne znanosti in ustreznost meril vrednotenja

Pravna znanost se danes v Sloveniji, podobno kot v drugih državah, sooča z merili vrednotenja, ki so se razvila predvsem v drugih znanstvenih disciplinah. Takšna merila imajo določene prednosti, vendar ne morejo biti edino merilo presoje rezultatov pravnega raziskovanja. Pravo ima namreč zgodovinsko pomembno vlogo pri podpori pravni praksi, posebej sodstvu, in s tem neposredno prispeva k uresničevanju vladavine prava.

Če vrednotenje ne upošteva posebnosti pravnega raziskovanja, je ogrožena prav ta funkcija pravne znanosti. Zato vprašanje ni, ali naj se kakovost ocenjuje, temveč ali uporabljena merila sploh ustrezajo predmetu ocenjevanja. Konferenca in Manifest sta v tem pogledu pomemben korak k emancipaciji pravne znanosti kot enakovrednega, vendar posebnega znanstvenega področja.

**Prof. dr. Miro Cerar**
Pravna fakulteta Univerze v Ljubljani

## Ponovna vzpostavitev ravnovesja med mednarodno vpetostjo in nacionalno pravno znanostjo

Vsako državno pravo je pogojeno s specifično pravno tradicijo, kulturo in navsezadnje politiko. Kljub nesporno velikemu pomenu internacionalizacije prava in pravne znanosti so zato različna nacionalna prava neizogibna realnost ter imajo ključno vlogo pri obstoju in razvoju vsake državno organizirane družbe.

Ob spodbujanju mednarodne izmenjave pravnega znanja in izkušenj ter mednarodnega sodelovanja je zato nujno treba razvijati tudi nacionalno pogojene vidike pravne znanosti, stroke in izobraževanja ter v tem okviru spodbujati razvoj nacionalnega pravnega jezika oziroma pravne terminologije.

Slovenska akademska politika mora v prihodnje spodbuditi razvoj ustreznejšega ravnovesja med mednarodno in nacionalno dejavnostjo slovenske pravne znanosti, kajti to ravnovesje je že dlje časa porušeno v škodo njene nacionalne komponente. Slovenska pravna teorija in praksa postajata tako postopno čedalje bolj osiromašeni v svoji specifični slovenski znanstveni, strokovni in jezikovni razsežnosti. Navedeno ravnovesje je zato treba čim prej vzpostaviti s spremembo meril vrednotenja znanstvenih prispevkov s področja prava, tako da bo ob močni vpetosti v mednarodni prostor hkrati čim bolj podprto in priznano tudi prizadevanje za krepitev domače pravne znanosti ter razvoj slovenskega pravnega jezika.

**Doc. dr. Luka Mišič**
Pravna fakulteta Univerze v Ljubljani

# Mednarodna odprtost in domača relevantnost

Pravne fakultete se v sistemih financiranja in zagotavljanja kakovosti pogosto srečujejo s pritiskom, naj objavljajo v zelo specifičnih mednarodnih formatih, zlasti v revijah z visokim faktorjem vpliva. S tem se lahko zapostavljajo oblike objavljanja, ki so za pravo značilne in pomembne: znanstveni komentarji, monografije, uredniško oblikovane publikacije in dela, namenjena slovenski pravni praksi.

Posebno tveganje je postopno zanemarjanje slovenskega pravnega jezika in terminologije. Hkrati pa pravo ne sme postati zaprto in izključno nacionalno usmerjeno. Za majhno pravno in jezikovno skupnost je zato ključno ravnotežje: močna mednarodna vpetost ob hkratni skrbi za domačo pravno znanost in slovenski pravni jezik.

**Doc. dr. Katarina Vatovec**
Evropska pravna fakulteta Nove univerze

# Reforma mora ohraniti odličnost in samokritičnost

Pobuda za spremembo sistema vrednotenja je pomembna, vendar mora pravna skupnost ob njej ohraniti visoke standarde in kritičen odnos tudi do lastnih praks. Ključno vprašanje ni le, ali potrebujemo spremembe, temveč katere spremembe želimo in kako zagotoviti, da z njimi ne bomo znižali znanstvene kakovosti.

Pri vrednotenju komentarjev, citatov in drugih oblik znanstvenega dela je treba upoštevati dejanski obseg in zahtevnost prispevka. Evropski trendi kažejo odmik od industrijske proizvodnje velikega števila besedil ter večji poudarek na manjšem številu zares kakovostnih del. Reforma mora biti zato ambiciozna, sodobna in odprta, pri njenem uresničevanju pa je posebno pomembno iskreno sodelovanje vseh slovenskih pravnih fakultet.

**Prof. dr. Miha Juhart**
Pravna fakulteta Univerze v Ljubljani; Zveza društev pravnikov Slovenije

# Slovenske pravne revije kot infrastruktura pravne države

Sedanja merila pomembno vplivajo na položaj domačih pravnih revij. Revija Pravnik, ki ima izjemno dolgo tradicijo, vse težje pridobiva najboljše znanstvene prispevke, ker objave v slovenščini in v revijah zunaj osrednjih mednarodnih baz mladim raziskovalcem pogosto ne prinašajo primerljivega akademskega priznanja.

Slovenska pravna literatura pa ni namenjena le akademski skupnosti. Sodniki, odvetniki in drugi praktiki potrebujejo kakovostne analize slovenskega pravnega reda v jeziku, v katerem delujejo zakonodaja, sodna praksa in pravni poklici. Ohranjanje kakovostnih slovenskih pravnih revij je zato vprašanje razvoja pravne stroke, pravne kulture in pravne države.

**Prof. dr. Vesna Rijavec**
Pravna fakulteta Univerze v Mariboru; Zveza društev za gospodarsko pravo Slovenije

# Družbeni pomen pravne znanosti

Pravna znanost mora biti prepoznana kot pomemben dejavnik družbenega razvoja. Pravniki ne smejo biti vključeni šele takrat, ko nastanejo problemi, temveč že v začetnih fazah gospodarskih projektov, investicij in drugih pomembnih odločitev. Za takšno vlogo pa mora biti pravno raziskovanje ustrezno prepoznano in vrednoteno.

Posebno pomemben ostaja razvoj slovenskega pravnega jezika. Brez možnosti kakovostnega znanstvenega izražanja v slovenščini pravna znanost težko opravlja svojo vlogo v gospodarstvu, upravi, zakonodaji in pravosodju.

**Prof. dr. Janja Hojnik**
Pravna fakulteta Univerze v Mariboru

# Ravnotežje med mednarodno odprtostjo in odgovornostjo do domačega pravnega reda

Celotno besedilo Manifesta je udeležencem konference na voljo v slovenskem in angleškem jeziku, zato ga ne bi vnovič brala. Namesto tega želim pojasniti širši kontekst, ki je privedel do njegovega nastanka, ter poudariti nekatere osrednje pomisleke, ki jih obravnava.

Po mojem mnenju lahko začetke današnje razprave postavimo na prelom tisočletja, ko se je v Sloveniji razvijal sistem SICRIS in je metrično vrednotenje raziskovalnega dela dobivalo vse večji pomen. Sistem je postopoma uvedel avtomatizirano točkovanje na podlagi vnaprej določenih kazalnikov in meril, medtem ko je vsebinska strokovna presoja posameznih del dobila manjšo težo.

Pravna znanost se je v razpravo o oblikovanju tega sistema vključila razmeroma pozno. V devetdesetih letih so bili številni pravniki intenzivno vključeni v gradnjo pravnih temeljev nove slovenske države: pripravo zakonodaje, svetovanje institucijam ter oblikovanje ustavnih in drugih državnih struktur. Ne glede na različne razlage zgodovine nastanka sistema je pomembno, da se je

pravna znanost njegovih posledic za lastno raziskovalno kulturo začela zavedati šele pozneje.

Na nekatere težave, ki jih metrično vrednotenje povzroča pravnemu raziskovanju, sva z Matejem Avbljem opozorila že leta 2012 v Pravni praksi. Pred pandemijo smo v Mariboru organizirali razpravo s profesorjem Robom van Gestlom z Univerze v Tilburgu, ki se s temi vprašanji ukvarja primerjalno. Neposredna pobuda za Manifest se je razvila iz razprave na Dnevih slovenskih pravnikov leta 2025, nato pa so predstavniki vseh treh slovenskih pravnih fakultet začeli pripravljati skupni dokument.

Najprej želim poudariti, česa Manifest ne zagovarja. Ne nasprotuje internacionalizaciji pravne znanosti. Nasprotno, slovenska pravna znanost je del mednarodne raziskovalne skupnosti in pravni raziskovalci moramo objavljati, sodelovati in tekmovati tudi v mednarodnem prostoru. Podatki kažejo, da se je mednarodna dejavnost slovenskih pravnih raziskovalcev v zadnjih desetletjih izrazito povečala. Število raziskovalcev na področju prava se je v približno petindvajsetih letih približno podvojilo, število njihovih tujejezičnih objav pa se je povečalo skoraj desetkrat. Slovenski pravniki so se torej že večinoma prilagodili pravilom in spodbudam sedanjega sistema.

Jedro problema je drugje: kako ohraniti ravnotežje med mednarodno odprtostjo in odgovornostjo do domačega pravnega reda. Pravna znanost je tesno povezana z jezikom, sodišči, zakonodajo, pravno kulturo in pravno prakso. Pravo ni le akademska disciplina, temveč eden od temeljev ustavne in pravne države. Pravna znanost razlaga, kritično presoja in pomaga razvijati pravni sistem. Če domača pravna znanost oslabi, oslabi tudi sposobnost pravnega sistema za samorefleksijo in samostojen razvoj.

To je posebej pomembno v majhnih pravnih in jezikovnih skupnostih, kakršna je slovenska. Če znanstveno relevantnost preveč enačimo z mednarodno objavljivostjo in metričnimi kazalniki, obstaja nevarnost, da se bodo raziskovalci vse manj ukvarjali z vprašanji slovenskega ustavnega, upravnega, civilnega, kazenskega in drugih področij prava, sodne prakse ter pravne terminologije, kadar ta vprašanja ne pritegnejo širše mednarodne pozornosti.

Posebej bi poudarila dva izziva. Prvi se nanaša na znanstvene monografije. V pravu monografija ni zgolj ena od številnih oblik objavljanja. Pogosto je rezultat

večletnega sistematičnega raziskovanja ter omogoča poglobljeno doktrinarno analizo, konceptualno sintezo in sistematično obravnavo sodne prakse ter zakonodaje. Če se leta dela na obsežni monografiji vrednotijo približno enako kot majhno število člankov, sistem spodbuja razdrobljene in kratkoročne objavne strategije namesto obsežnih sistematičnih del.

Drugi izziv se nanaša na pravne revije v slovenskem jeziku. Te niso zgolj akademski mediji, temveč del infrastrukture pravne države. V njih se razvija slovenska pravna terminologija; zagotavljajo prostor za razpravo o domači zakonodaji in sodni praksi ter vzdržujejo komunikacijo med akademsko skupnostjo, sodišči, zakonodajalcem, upravo in pravnimi poklici. Jezik v pravu ni zgolj tehnični instrument. Pravni pojmi so umeščeni v nacionalne ustavne tradicije, pravno kulturo in pravni red.

Hkrati moramo ostati intelektualno pošteni tudi glede izvora teh napetosti. Težava ni preprosto v tem, da bi druge vede želele pravu vsiliti neprimerna merila. Pomemben dejavnik je omejeno javno financiranje raziskovanja. Čim manj je sredstev, tem večja je konkurenca za njihovo razdelitev; v takem okolju pa posamezne discipline naravno težijo k temu, da druga področja presojajo skozi lastne metodološke predpostavke in objavne kulture.

Prav tako moramo priznati, da vrednotenje danes večinoma deluje na makroravni. Države nimajo neomejenih finančnih in institucionalnih možnosti za individualno vsebinsko presojo vse znanstvene produkcije. Metrike so se deloma razvile zato, ker omogočajo administrativno obvladljiv in na videz objektiven način razdeljevanja sredstev. Tudi recenzijskega sistema ne smemo idealizirati: kolegialna presoja sama po sebi ne zagotavlja nujno večje pravičnosti, objektivnosti ali kakovosti.

Manifest zato ne predlaga odprave vrednotenja niti popolne opustitve metrik. Zavzema se za bolj uravnotežen in kontekstualen pristop k vrednotenju pravne znanosti, ki upošteva posebnosti discipline.

Pri pripravi dokumenta nas je – tudi pri njegovem poimenovanju – navdihnil dobro znani Leidenski manifest o raziskovalnih metrikah. Če se je kdo spraševal: da, navdih je bil Leidenski manifest, ne Komunistični manifest.

Najpomembneje pa je, da Slovenija pri teh vprašanjih ni osamljen primer. Podobne razprave potekajo po Evropi in širše. Prav zato smo na konferenco po-

vabili ugledne mednarodne kolegice in kolege, da predstavijo izkušnje svojih sistemov ter širši razvoj sodobnega vrednotenja raziskovanja.

**Prof. dr. Ludo Waltman**
Univerza v Leidnu, Nizozemska

## Odgovorno vrednotenje mora izhajati iz konteksta

Argumenti slovenskega Manifesta so skladni z razvojem mednarodnih dobrih praks na področju vrednotenja raziskovanja. Leidenski manifest, SCOPE Framework in nizozemski Strategy Evaluation Protocol imajo skupno izhodišče: vrednotenje ne sme biti zasnovano po načelu enotnega pristopa za vse.

Vrednotenje mora izhajati iz poslanstva raziskovalne enote, strategije institucije ter vrednot in namena ocenjevanja. To pomeni, da lokalno relevantno raziskovanje in objavljanje v lokalnem jeziku ne smeta biti samodejno obravnavana kot manjvredna. Zahteva po kontekstualiziranem vrednotenju ni slovenska posebnost ali zahteva po privilegiju, temveč je vse bolj del mednarodnega razumevanja odgovorne raziskovalne politike.

**Prof. dr. Jukka Snell**
Univerza v Turkuju, Finska

## Finski model: domače objave in mednarodni standardi se ne izključujejo

Finski sistem Publication Forum (JUFO) razvršča revije in založbe ter vpliva tudi na financiranje univerz. Po kritikah družboslovja in humanistike je bil prilagojen tako, da ne daje samodejne prednosti zgolj angleškojezičnim in mednarodnim publikacijam.

Vodilne finske in švedske pravne revije imajo lahko enak status kot pomembne mednarodne revije, kakovost pa presojajo strokovnjaki. Tudi monografije imajo pomembno težo. Finski primer tako kaže, da je mogoče varovati nacionalni jezik in pravno tradicijo, hkrati pa ohraniti kakovost in mednarodno primerljivost.

**Prof. dr. Antonina Bakardjieva Engelbrekt**
Univerza v Stockholmu, Švedska

# Pomen dejanskega branja in vsebinske presoje

Pri akademskem napredovanju mora ostati odločilno, da ocenjevalci dela dejansko preberejo in presodijo njihovo vsebino. Opazen je pritisk, da se presoja nadomešča z ugledom revije, kar zmanjšuje kakovost akademske izmenjave.

Tudi švedske pravne revije v lokalnih jezikih čutijo pritisk internacionalizacije. Lokalni jeziki so pomembni tudi pri razpravah o evropskem pravu. Podobno je pri doktorskih disertacijah: člankovne disertacije so lahko zelo kakovostne, vendar pravo ob opuščanju monografij lahko izgublja globino, zgodovinsko zrelost in sistematičnost.

**Prof. dr. Kai Purnhagen**
Univerza v Bayreuthu, Nemčija

# Nemška izkušnja: avtonomija, prestiž in transparentnost

Nemška pravna akademska skupnost nima enotnega nacionalnega metričnega sistema. Veliko težo imajo monografije, doktorat, habilitacija, ugled in *peer review*. To omogoča večjo prožnost in ohranja močno domačo pravno kulturo, vendar ima tudi negativne strani: hierarhije, neformalna omrežja, počasnejše karierno napredovanje in manjšo predvidljivost.

Mednarodna usmerjenost mlajših raziskovalcev narašča, vendar pogosto zaradi njihove notranje motivacije, ne zaradi zunanjih metrik. Za Slovenijo je pomembno, da ne zamenja ene skrajnosti z drugo: potrebni so jasni standardi, transparentnost in predvidljivost, hkrati pa dovolj akademske avtonomije za različne raziskovalne profile.

**Prof. dr. Jan Komárek**
Karlova univerza v Pragi, Češka

# Onkraj »tiranije metrik«

Bibliometrični sistemi imajo nevarno lastnost, da merljivo pogosto zamenjajo za pomembno. Pravna znanost je posebej izpostavljena, saj so njeni ključni rezultati pogosto vezani na posamezne jurisdikcije, jezike in posebne publikacijske oblike, kot so monografije in komentarji.

Komercialne baze Web of Science in Scopus so nepopolne, formalna merila pa lahko spodbujajo strategije izkoriščanja sistema. Odgovorno vrednotenje mora dati prednost strokovni presoji pred golo kvantifikacijo, priznati kontekstualno vrednost nacionalnega in doktrinarnega raziskovanja, upoštevati omejitve bibliometrije ter razlikovati med disciplinami. Ključno vprašanje mora biti, ali raziskava izboljšuje razumevanje prava, pravičnosti in skladnosti pravnega sistema, ne pa le, koliko točk ali citatov ustvari.

**Prof. dr. Rob van Gestel**
Univerza v Tilburgu, Nizozemska

# Najprej je treba vedeti, čemu vrednotenje služi

Pred izbiro meril je treba razjasniti namen vrednotenja. Drugačna merila potrebujemo za presojo minimalne objavljivosti članka, za ugotavljanje znanstvene odličnosti ali za primerjavo knjige in komentarja sodne odločbe. S številkami je mogoče primerjati skoraj vse, vendar to še ne pomeni, da je primerjava poštena.

Posebej problematična je neposredna primerjava citiranosti angleškega odprtodostopnega članka z doktrinarno objavo v slovenskem ali nizozemskem jeziku v lokalni reviji. Kakovostno raziskovanje nastaja iz intelektualne radovednosti in dobrega akademskega okolja. Pravna znanost pa mora sama jasneje opredeliti, kaj šteje za kakovost, sicer bodo merila namesto nje oblikovali drugi.

**Prof. dr. Maja Brkan**
Splošno sodišče Evropske unije

# Celostno vrednotenje monografij in raziskovalnega dela

Pravne monografije je treba vrednotiti individualizirano. Njihove značilnosti so obsežnost, poglobljena in sistematična obravnava kompleksnih vprašanj ter dolgotrajen raziskovalni proces. Pavšalno izenačevanje monografije z določenim številom člankov prezre dejanski obseg dela in znanstveno vrednost ter spodbuja kratkoročne in razdrobljene objavne strategije.

Pomembno je tudi enakovredno vrednotenje domačih in mednarodnih revij glede na kakovost prispevka, ne glede na jezik ali kraj objave. Kot zanimiv primer dobre prakse se kaže nizozemski program Recognition & Rewards, ki kvantitativne kazalnike dopolnjuje z znanstveno integriteto, poučevanjem, družbenim vplivom, timskim delom, odprto znanostjo in osebnim razvojnim portfeljem. Takšen pristop omogoča bolj dinamično in individualizirano presojo akademskega dela.

**Prof. dr. Damjan Kukovec**
Splošno sodišče Evropske unije

# Slovenski pravni diskurz kot pogoj za enakovreden glas v Evropski uniji

Slovenščina je eden od uradnih jezikov Evropske unije, kar odraža temeljno idejo, da mora pravo EU živeti v vsaki državi članici in v njenem pravnem jeziku. Slovenija kot majhna država potrebuje močan nacionalni pravni diskurz, da lahko artikulira svoje interese in oblikuje lastne rešitve znotraj evropskega pravnega okvira.

Pri tem morajo sodelovati sodniki, ministrstva, odvetniki, akademiki in širša pravna skupnost. Objave v slovenščini so pomembne, ker omogočajo vključevanje vseh relevantnih deležnikov. Ključno je pravo ravnotežje med zakoreni-

njenostjo v slovenskem okolju in odprtostjo v tujino, pri vrednotenju pa mora imeti vsebina prednost pred obliko.

**Prof. dr. Rajko Knez**
Pravna fakulteta Univerze v Mariboru

## Sodna praksa potrebuje poglobljeno domačo pravno teorijo

Pravo vsebuje močan nacionalni element, zaradi česar ga ni mogoče vrednotiti po enakih merilih kot tehnične in naravoslovne vede. Sodnik za nacionalnopravna vprašanja potrebuje poglobljeno domačo teorijo. Sodna odločba je lahko le vrh ledene gore; pod njo je pogosto obsežna, nevidna teoretična podlaga, ki jo mora sodnik poznati.

Tujejezične objave slovenskih avtorjev so za tipično nacionalna področja pogosto premalo poglobljene ali pa niso usmerjene v vprašanja, pomembna za domačo prakso. Zato sistem, ki daje izrazito prednost revijam z visokim faktorjem vpliva, lahko slabi slovensko pravno znanost. Namen pravnega raziskovanja ne sme biti doseganje številk, temveč bogatenje prava, pravne znanosti in družbe.

**Doc. dr. Ana Polak Petrič**
Veleposlaništvo Republike Slovenije v Berlinu; Evropska pravna fakulteta Nove univerze

## Mednarodna odprtost in pomen lastnega jezika

Slovenska pravna znanost mora ostati odprta za mednarodno sodelovanje in se v tujini še močneje uveljavljati. To pa ne pomeni, da smemo razvrednotiti znanstveno raziskovanje in objavljanje v slovenskem jeziku.

Izkušnja dela v tujini pogosto še močneje pokaže pomen lastne znanosti, identitete in kulture. Za majhen narod je ohranjanje kakovostnega strokovnega in znanstvenega jezika dolgoročno vprašanje prihodnosti pravne skupnosti, ne nasprotje internacionalizaciji.

**Blanka Javorac Završek**
Center za izobraževanje v pravosodju, Ministrstvo za pravosodje

# Pravna znanost kot podpora sodstvu in vseživljenjskemu učenju

Kakovost sodstva ni odvisna le od znanja, pridobljenega med študijem. Sodniki, tožilci in sodno osebje potrebujejo stalno izobraževanje ter morajo spremljati novo zakonodajo, sodno prakso in pravno teorijo. Monografije, knjige in celovita doktrinarna dela so za to nepogrešljiva.

Pravna znanost se razvija skozi jezik, razlago in argumentacijo, zato je ni mogoče meriti na enak način kot eksperimentalne znanosti. Izkušnje pravosodnih reform kažejo tudi, da uvoženi modeli brez lokalnih korenin pogosto ne delujejo. Če pravna znanost izgubi prostor za poglobljeno analizo, sodstvo izgubi pomemben vir pravne varnosti.

**Janez Starman**
Odvetniška zbornica Slovenije

# Pravna znanost mora ohraniti stik s pravno prakso

Odvetniki pri svojem delu nujno potrebujejo kakovostno, dostopno in uporabno pravno literaturo. Zaradi procesnih rokov in vsakodnevnega dela pri posameznih zadevah nimajo vedno možnosti za dolgotrajen poglobljen študij, zato so kakovostne sistematične pravne analize zanje bistvene.

Pravna akademska skupnost se mora zato spraševati, komu piše in ali ima dovolj stika s problemi prakse. Hitro spreminjanje zakonodaje dodatno otežuje oblikovanje stabilne prakse. Tesnejše sodelovanje med akademiki, sodniki, odvetniki, notarji in drugimi praktiki lahko pomaga pri izbiri in obravnavi za družbo pomembnih pravnih vprašanj, pri čemer mora znanost seveda ohraniti svojo raziskovalno avtonomijo.

**Doc. dr. Denis Baghrizabehi**
Pravna fakulteta Univerze v Mariboru

# Vrednotenje raziskovanja vpliva tudi na kakovost poučevanja

Vse strožja habilitacijska merila posebej neposredno občutijo mlajši raziskovalci. Problem ni le karierni, temveč vpliva tudi na enotnost raziskovanja in poučevanja. Če mora raziskovalec večino svojega dela usmerjati v mednarodne ali primerjalne teme, lahko postane manj sposoben sistematično spremljati najnovejši razvoj domačega prava in ga predstavljati študentom.

Drugi problem je internacionalizacija domačih pravnih revij, ki zaradi indeksiranja vse pogosteje objavljajo v angleščini. Tako se lahko vzpostavi povratna zanka, v kateri se tako raziskovalci kot revije oddaljujejo od slovenskega pravnega prostora.

**Prof. dr. Ana Vlahek**
Pravna fakulteta Univerze v Ljubljani

# Od vsebine k formi: osebna izkušnja raziskovalke

Mednarodne objave in mednarodna vpetost so pomembne. Problem nastane, kadar jim sistem podeli preveliko težo in pravoznanstveno delo podredi pretirani, kompleksni in togi kvantifikaciji ter merilom, prenesenim iz naravoslovja.

Osebna raziskovalna izkušnja kaže, kako lahko sistem točk, baz in faktorjev vpliva povzroči premik od vsebine k obliki. Raziskovalec začne več energije namenjati mednarodno zanimivim temam in manj specifičnim vprašanjem domačega prava. Tak sistem lahko torej zmanjšuje uporabnost znanosti za pravno okolje, ki jo financira in potrebuje.

**Izr. prof. dr. Petra Weingerl**
Pravna fakulteta Univerze v Mariboru

# Posebnost prava pomeni tudi odgovornost pravne skupnosti

Pravno izobraževanje v Evropski uniji ni harmonizirano, pravne rešitve pa so pogosto nacionalno specifične. Zato so slovenske objave nujne pri vprašanjih, ki jih morajo razumeti slovenski sodniki, praktiki in študenti. Mednarodna odprtost in nacionalna odgovornost se morata dopolnjevati.

Hkrati Manifest prinaša tudi odgovornost za samo pravno skupnost. Če zahtevamo priznanje posebnosti prava, moramo zagotoviti visoke standarde kakovosti, korektne recenzije, znanstveno integriteto in sposobnost izločanja slabih praks. Posebna obravnava ne sme pomeniti nižjih standardov.

**Izr. prof. dr. Petra Ferk**
Evropska pravna fakulteta Nove univerze

# Manifest kot iniciativa za prihodnje generacije

Manifest ni pobuda za lažjo akademsko kariero sedanje generacije raziskovalcev. Ta se je pritiskom internacionalizacije že večinoma prilagodila; prav posledice teh prilagoditev so eden od razlogov, da je Manifest sploh potreben.

Če bomo pravno znanje pretežno ustvarjali v angleškem jeziku, bomo lahko dolgoročno bolj vplivali na razvoj tujih okolij kot na slovenski pravni, gospodarski in družbeni prostor. Slovenski pravni jezik je del državnosti in pravne države ter bistven za prihodnje generacije pravnikov, razvoj terminologije in dostopnost pravnega znanja.

**Prof. dr. Jaka Cepec**
Ekonomska fakulteta Univerze v Ljubljani

# Od načel k konkretnim ciljem

Manifest mora jasneje odgovoriti na vprašanje, kaj želi konkretno doseči. Treba je razlikovati med habilitacijskimi merili, projektnim financiranjem, institucionalnim financiranjem pravnih fakultet in položajem prava znotraj ARIS. Cilji morajo postati bolj operativni.

Pravna skupnost mora ob tem pokazati več institucionalne solidarnosti, ko se posamezni raziskovalci srečajo s sistemskimi problemi vrednotenja. Hkrati je treba ohraniti raziskovalno avtonomijo: tesnejša povezanost s prakso ne pomeni, da bi odvetniki, gospodarstvo ali drugi akterji določali, kaj naj pravna znanost raziskuje.

**Prof. dr. Tomaž Keresteš**
Pravna fakulteta Univerze v Mariboru

# Zaključna intervencija: problem je sistemski

Vrednotenje pravne znanosti ni predvsem vprašanje habilitacij. Gre za širši problem položaja in emancipacije pravne znanosti kot enakovredne znanstvene discipline. Neustrezna merila imajo neposredne posledice predvsem pri financiranju raziskovanja.

Pravniki se lahko formalnim merilom prilagodijo, vendar je pomembnejše vprašanje, ali so takšna merila koristna za slovensko pravno državo, pravni sistem in znanost. Cilj Manifesta zato ni lajšanje kariernih poti, temveč ustrezno priznanje posebne in družbeno ključne vloge pravne znanosti.

**Prof. dr. Nataša Samec Berghaus**
Pravna fakulteta Univerze v Mariboru

# Zaupanje, dostop do sodne prakse in povratna zanka s prakso

Pravo in pravna znanost sta tesno povezana z zaupanjem v državo, sodišča in pravni red. Znanost ni sama sebi namen, temveč mora prispevati k boljšemu delovanju družbe.

Za kakovostno pravno raziskovanje je pomemben tudi dostop do sodne prakse, vključno s prvostopenjskimi odločbami. Brez dostopa do celovitih sodnih odločitev je težko poglobljeno analizirati pravo in njegovo uporabo. Potrebna je močnejša povratna zanka med zakonodajo, prakso in pravno znanostjo.

# Sklepi konference in nadaljnji koraki

Razprava je pokazala široko soglasje, da problem vrednotenja pravne znanosti presega vprašanje akademskih habilitacij in zadeva položaj prava v raziskovalni politiki in financiranju ter njegov pomen za razvoj slovenskega pravnega jezika in kakovost sodstva, zakonodaje in pravne prakse.

- Delovna skupina za pravno znanost nadaljuje svoje delo in pripravi konkretnejše predloge za uresničevanje Manifesta.
- Pripravijo se strokovno utemeljena izhodišča za primernejše vrednotenje pravnih monografij, komentarjev in drugih za pravo značilnih oblik znanstvenega dela.
- Oblikujejo se predlogi za ustreznejši položaj kakovostnih domačih pravnih revij ter za ohranjanje in razvoj slovenskega pravnega znanstvenega jezika.
- Posebno pozornost je treba nameniti projektnemu in institucionalnemu financiranju pravne znanosti ter priznavanju evropskih projektov s področja prava in pravosodja.
- Razmisli se o ustanovitvi posebne komisije za vrednotenje pravne znanosti v Sloveniji, v kateri bi sodelovali predstavniki pravnih fakultet in širše pravne skupnosti.
- Dialog je treba nadaljevati z ARIS, NAKVIS, univerzami in drugimi institucijami, ki oblikujejo raziskovalne in habilitacijske politike.
- Manifest in sklepi konference se predstavijo na Dnevih slovenskih pravnikov 2026.
- Preuči se možnost širše interdisciplinarne razprave pod okriljem Slovenske akademije znanosti in umetnosti.
- Pravna skupnost mora ob zahtevi po priznanju disciplinarnih posebnosti sama zagotavljati visoke standarde znanstvene kakovosti, integritete in recenziranja.

Konferenca je potrdila, da cilj Manifesta ni zmanjševanje pomena mednarodne odličnosti, temveč oblikovanje bolj uravnoteženega sistema, ki bo hkrati spodbujal vrhunsko mednarodno raziskovanje in omogočal razvoj slovenske pravne znanosti kot enega od temeljev pravne države.

# Povzetek

Publikacija združuje Manifest za pravno znanost v Sloveniji in prispevke z nacionalne konference o njenem vrednotenju, ki je potekala 14. maja 2026. Obravnava omejitve sistema, ki daje prednost bibliometričnim kazalnikom in mednarodnim objavam, pri tem pa nezadostno upošteva posebnosti pravnega raziskovanja, njegovo družboslovno in humanistično razsežnost ter povezanost z domačim pravnim redom. Poudarja vlogo pravne znanosti pri krepitvi vladavine prava, razvoju zakonodaje in sodne prakse, pravnem izobraževanju ter ohranjanju slovenskega pravnega jezika. Zavzema se za ravnotežje med mednarodno odprtostjo in nacionalno odgovornostjo, vsebinsko strokovno presojo kakovosti, ustreznejše vrednotenje monografij in komentarjev ter enakovredno obravnavo kakovostnih domačih in mednarodnih objav. Prispevki domačih in tujih strokovnjakov osvetljujejo možnosti odgovornega vrednotenja, ki upošteva namen raziskovanja in posebnosti discipline. Sklepi konference pozivajo k prilagoditvi meril, izboljšanju projektnega in institucionalnega financiranja, priznavanju evropskih pravnih projektov ter nadaljnjemu dialogu z univerzami in pristojnimi agencijami. Reforma mora ohraniti visoke standarde znanstvene kakovosti, integritete in recenziranja ter okrepiti sodelovanje med akademsko skupnostjo in pravno prakso.

**Ključne besede:** pravna znanost; vrednotenje raziskovanja; vladavina prava; znanstvene monografije; slovenski pravni jezik.

# EVALUATION OF LEGAL SCHOLARSHIP IN SLOVENIA

*Manifesto for Legal Scholarship in Slovenia and Contributions from the Conference*

University of Maribor, University of Maribor Press
University of Ljubljana, Faculty of Law
European Faculty of Law, New University
Association of the Slovenian Jurists Societies
Association of Commercial Law Societies of Slovenia

Univerzitetna založba Univerze v Mariboru
PF UNIVERZA V LJUBLJANI Pravna fakulteta
NOVA UNIVERZA EVROPSKA PRAVNA FAKULTETA
Zveza društev pravnikov Slovenije Slovenian Law Association
Zveza društev za gospodarsko pravo Slovenije

Maribor and Ljubljana, 2026

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# Foreword

**Professor Janez Kranjc**
Member of the Presidency of the Slovenian Academy of Sciences and Arts (SAZU)

I am very pleased to have the opportunity to participate in this discussion, and I would like to thank the organisers for inviting me.

Let me share with you a few thoughts regarding the issue that has brought us together.

The position that only foreign publications are taken into account in habilitation or academic promotion procedures is detrimental to the development of legal scholarship in many respects. Why?

Legal science does not create law directly, but it studies, systematises, interprets and refines it, thereby acting as a bridge between abstract legal rules and their proper application. In essence, it rationalises legal regulation and legal practice.

This becomes clear when we consider the fundamental tasks and characteristics of legal scholarship:

It brings legal norms into a coherent system, thereby facilitating their understanding and proper application.

It develops fundamental legal concepts that serve as tools of legal reasoning and legal argumentation.

It critically assesses applicable law, evaluates its coherence, fairness and effectiveness, identifies its shortcomings and proposes improvements.

It provides guidance for the application and further development of law.

It enables us to anticipate the effects of individual legal rules and judicial decisions in practice.

It reinforces respect for fundamental legal values and places law within a broader social context, thereby contributing to the legitimacy of the legal system.

These tasks can only be satisfactorily performed by legal professionals who are capable of critically assessing legislation and case law in the language in which they were created.

If only publications in foreign journals are taken into account as a measure of academic excellence and a basis for promotion, legal scholarship is weakened. In the long term, such a policy lowers the quality of domestic legal publications and creates a vicious circle: domestic legal journals become less and less attractive to researchers because they do not provide adequate recognition in habilitation procedures. As a result, their quality declines, making it even more difficult for them to enter international databases that determine impact factors. The only option left to them is to switch to publishing in English, thereby further weakening domestic legal scholarship and, indirectly, the domestic legal system.

When it comes to publishing scholarly articles on Slovenian law abroad, it is important to understand that foreign researchers generally show little interest in detailed analyses of current issues of Slovenian law. Given the size of the country, its economic power and the fact that contracting parties frequently choose foreign law, Slovenian law is of limited interest to foreign researchers. If they are interested at all, their interest is mainly in general information about the Slovenian legal system.

Moreover, discussing legal issues in a foreign language raises the problem of appropriate legal terminology, which is crucial for any serious and in-depth examination of legal questions. Translation often leads to approximations and simplifications that diminish the quality of legal discourse.

Foreign-language discussions of legal issues therefore cannot replace discussions in the language of legislation and court proceedings. Giving preference to foreign-language publications will, in the long run, contribute to lowering the standards of legal scholarship.

Such an orientation is also problematic from the perspective of national identity and culture. Language is not merely a means of communication in everyday life. It also requires well-developed specialist terminology, which can only be created and refined through the active contribution of scholars.

We should also bear in mind that law is not a typical social science, but an important part of the humanities. Legislation, case law and legal scholarship

are inseparably connected because of the social role of law and, above all, the values it embodies. Separating legal scholarship from these areas and forcing it into another language are senseless and harmful, as they jeopardise the proper functioning of the legal system.

The claim that Slovenian legal scholarship, by insisting on also publishing in Slovenian, is avoiding broader international comparison is unfounded. A serious examination of fundamental issues of Slovenian law is possible only among those who know Slovenian law and understand the language of Slovenian legislation and case law. With rare exceptions, these are Slovenian lawyers and legal scholars.

The issue in habilitation procedures is therefore not whether to publish only in Slovenian, but whether high-quality publications in Slovenian are also taken into account in the evaluation process.

Moreover, in habilitation procedures the quality of the published work should be assessed, rather than merely the publisher or the journal in which it appeared. If a university relies uncritically on the status of the journal or publisher, it effectively transfers its responsibility for assessing the quality of research to the editorial boards of selected journals. This is another reason why publications in Slovenian should also be recognised and evaluated in habilitation procedures.

The subject of assessment should not be the language or place of publication, but the quality and depth of the scholarly work.

# Manifesto for Legal Scholarship in Slovenia

Aware that legal science is one of the fundamental pillars of a democratic state governed by the rule of law, and convinced that without domestic legal thought it is impossible to uphold the rule of law, protect human rights and ensure that legal institutions function effectively in the Republic of Slovenia (RS), we express our concern about the current state of legal science in the RS.

We are faced with an evaluation system that has been tailored to the natural sciences and engineering and does not reflect the characteristics of legal research. Law is not merely a social science, but also a discipline within the humanities, closely linked to language, history, culture, values and the institutional development of the community. A system based primarily on indicators linked to databases such as Web of Science cannot capture the actual significance and impact of legal science on society. Such criteria steer researchers towards formally measurable publications rather than in-depth and socially relevant works. The result is a fragmentation of research topics, a decline in the importance of academic monographs, and a shift in research focus towards foreign, particularly English-language, journals that do not address issues essential to the Slovenian rule of law.

Legal science is inextricably linked to the rule of law and is one of the foundations of Slovenian statehood. Its mission is to monitor, interpret and critically assess the development of the law, thereby safeguarding the constitutional order and the fundamental values of the Republic of Slovenia. Without strong legal science in the Republic of Slovenia, the capacity for the independent development of the legal order is lost, which in the long term threatens the sovereignty and stability of the legal system.

## Balance between international openness and national responsibility

Since the Republic of Slovenia's independence and its accession to the European Union (EU) and other international organisations, legal scholarship has become an integral part of the international academic landscape. Slovenian legal researchers' engagement with international research, publication in recognised foreign journals and with reputable publishers, and participation in international research and educational networks are essential and integral components of contemporary legal science. In this way, Slovenian legal researchers contribute to the development of international rule-of-law standards whilst simultaneously strengthening the reputation of Slovenian legal scholarship worldwide.

Developments in recent decades clearly show that the international activity of Slovenian legal researchers has significantly increased. The number of foreign publications in the field of law is now approximately three times what it was at the start of this century, and since 2015 the proportion of publications in top-ranked journals has also been rising rapidly. This trend indicates a high level of international comparability and excellence among legal researchers from the Republic of Slovenia, which must be maintained and further encouraged.

This Manifesto in no way calls into question the importance of international publications, nor does it interfere with the freedom of researchers to demonstrate their academic excellence in an international context. On the contrary – researchers in all fields of law are encouraged to continue publishing in recognised international journals and with reputable publishers, to network with colleagues abroad, and to actively participate in international research and teaching projects.

## The equivalence of Slovenian and foreign-language academic publications in law

The core concern expressed by the Manifesto is not international openness, but the danger that legal publications in Slovenian and research into fundamental

issues of the Slovenian legal order might become systematically marginalised, leading researchers to devote ever less attention to these issues.

If the perception were to take hold that only topics of international interest and foreign-language publications have scholarly relevance, there would be a serious risk that issues which are crucial to the functioning of the rule of law in Slovenia—but which are not of particular interest to the international academic community—would not receive adequate scholarly attention. This would have long-term negative consequences for the quality of legislation and judicial practice and for the protection of the rights of citizens and other residents of the Republic of Slovenia.

The balance between international openness and national responsibility therefore entails recognising two equally important dimensions of legal science: its integration into the international academic sphere and its responsibility towards the domestic legal order. International excellence and high-quality research into the legal challenges facing Slovenia are not in conflict, but rather complement one another. Only legal science that simultaneously contributes to international legal thought and reflects deeply on the domestic legal system can ensure the long-term stability, development and sovereignty of the rule of law.

# The role of legal scholarship

Legal science has a responsibility to society to preserve legal culture, legal language and an understanding of the law within the national context through its scholarly work. Its role extends beyond academic boundaries: it serves as a mirror of the functioning of the authorities, the foundation of legal education and a source of professional independence for the judiciary.

Research organisations operating in the field of law must, in their work, strike a balance between promoting researchers' international recognition and maintaining their interest in studying the state of the rule of law in the Republic of Slovenia. International openness is important, but it must not lead to the neglect of fundamental issues of the domestic legal order, which foreign researchers will not address.

Legal science must also remain closely linked to legal practice—to the judiciary, legislation, administration and the economy. Its task is not merely the theoretical study of law, but also the formulation of solutions that contribute to better legal practice and more effective protection of the rights of citizens and other residents of the Republic of Slovenia. The flow of knowledge between academia and legal practice is essential for the effective operation of the rule of law.

Neglecting domestic legal research means a gradual loss of intellectual sovereignty and diminishes the legal system's capacity for self-reflection, self-correction and development.

## Monographs as a fundamental form of legal expression

In the past, systemic legal monographs have made a decisive contribution to the development of legal science and the establishment of the rule of law in Slovenia. Without their proper recognition, there is a serious risk that they will gradually disappear, thereby jeopardising the long-term development of the legal profession in Slovenia.

The academic monograph is the fundamental form of legal research: it is the result of many years of research work, enables a comprehensive examination of legal issues, and has a lasting impact on the development of the discipline. The fixed ratio between monographs and articles, as applied under habilitation and evaluation criteria in Slovenia, does not reflect the actual nature of research in law and the humanities, and encourages the fragmentation of research and short-term publications rather than comprehensive scholarly works, which form the foundation of legal thought. Given its strong grounding in the humanities, legal science often develops through in-depth monographic studies, which enable systematic reflection on the law and its underlying values.

We support efforts to adjust the relative weighting of monographs and articles in the NAKVIS, ARIS and university criteria in accordance with the principle of individual assessment. Extensive and substantively demanding monographs must be recognised as scholarly achievements of the highest value in their own right. Only in this way will the system encourage the production of in-depth

works that contribute to the sustainable development of legal science in the Republic of Slovenia.

## Equality of domestic and international publications

Slovenian legal journals that adhere to high academic standards and are recognised within the legal community must have the same academic standing as international journals. Indeed, academic standing must not be judged on the basis of a journal's origin or language, but exclusively on the quality of the published research. Consequently, publications in the Slovenian language cannot be regarded as inferior, particularly when they address issues essential to the preservation and development of the rule of law in the Republic of Slovenia, which, due to their specific nature, do not necessarily attract international research interest.

In the spirit of the Leiden Manifesto, the excellence of locally relevant research must be protected, and it must be recognised that legal science, by its very nature, stems from the national legal environment, which it helps to shape and oversee. Following the example of the Scandinavian countries, a national register of recognised legal journals must be developed to ensure that the quality and impact of domestic academic output are appropriately recognised and valued.

Whilst recognising the equivalence of domestic journals, it is also necessary to invest in their quality, visibility and editorial excellence. Slovenian legal journals must remain the cornerstone of legal culture and academic discourse, whilst at the same time adhering to the highest standards of the peer-review process, international openness and topical relevance. In this way, they will attract the best authors without losing their identity.

# The Slovenian rule of law and the Slovenian language

The question of language in law is not merely a cultural or symbolic one, but also a substantive issue and, at the same time, a key element of nation-building. As part of a community's humanistic heritage, law emerges, develops and is understood through the language in which legal concepts, values and legal culture are formed. Language determines the research topic: publications in a foreign language mostly address topics relevant to the international environment, whilst topics essential to the Slovenian legal system often remain without scholarly treatment and thus without support in legal theory.

Communication within the academic community on legal issues specific to the legal system of the Republic of Slovenia, in which foreign researchers do not participate, must not take place in English. Conducting such discussions in English would erode our Slovenian legal identity and break with the tradition of professional expression in the Slovenian language. Slovenian legal terminology has developed over decades in domestic legal journals – beginning with Pravnik (1862) – and forms part of our national heritage, being of exceptional importance for the preservation of our legal culture and national identity.

In legal scholarship, the Slovenian language is not merely a form of expression; it carries a meaning that can only be understood within the Slovenian legal sphere. When faced with issues relating to the rule of law, Slovenian citizens draw upon legal scholarship in the Republic of Slovenia – and this must remain Slovenian. This is not merely a question of language, but a question of the very functioning of the rule of law.

# Call

We call upon state bodies, universities, research institutions and professional organisations to recognise legal science in the Republic of Slovenia as a public good that is indispensable for the preservation of the rule of law and democratic culture. A change in the evaluation of academic work is needed, which will enable fair treatment of legal research, encourage the production of funda-

mental academic monographs, and recognise the academic standing of domestic legal journals. Research institutions must encourage researchers to maintain a commitment to researching domestic legal issues alongside their pursuit of international recognition, and to contribute to the understanding and strengthening of the rule of law in Slovenia.

The Manifesto expresses the shared will and commitment of the three law faculties in the Republic of Slovenia and the two associations of legal professionals, which, within the framework of a coordination group, will monitor the implementation of these principles and propose further measures for the preservation and development of legal science and language in the Republic of Slovenia. Only in this way will we maintain a balance between international openness and national responsibility and ensure that legal science remains committed to its fundamental mission – to serve the law, society and the state.

## Recognition of European projects in the field of law

We call for projects funded by the programmes of the EU Directorate-General for Justice and Consumers to be systematically recognised in the Republic of Slovenia as relevant to scholarly research. The current regulations under Article 80 of the Scientific Research and Innovation Activities Act (ZZrID) treat law as a distinctly peripheral discipline or merely as a supporting discipline to other research fields. Although the 'Justice' programme primarily supports judicial cooperation, training and access to justice, its projects make a significant contribution to the development of the European area of justice, the strengthening of the rule of law and the creation of new legal knowledge, as confirmed by their research component in practice. Failure to recognise them constitutes an unjustified restriction on the international engagement of Slovenian legal researchers and a systemic hindrance to the development of legal science.

# Conclusion

Legal science in the Republic of Slovenia is not merely an academic activity, but the backbone of the rule of law, its memory and its voice of reason. As a discipline that bridges the social science and humanities dimensions of law, it preserves legal culture, develops legal language and enables critical reflection on the functioning of the state and its institutions. If it loses its position, the state will also lose its ability to understand itself. We therefore call for a joint effort to establish a system that will protect, promote and value legal science in accordance with its mission – in the service of the law, society and the state.

# Conference Programme

The national conference Evaluation of Legal Scholarship in Slovenia took place on 14 May 2026. It was organised by the University of Maribor, Faculty of Law, University of Ljubljana, Faculty of Law, the European Faculty of Law, New University, the Association of the Slovenian Jurists Societies and the Association of Commercial Law Societies of Slovenia. The conference brought together representatives of all Slovenian law faculties, the judiciary, the legal profession, research institutions, and domestic and international experts in legal scholarship and research evaluation.

### 09:00–09:30 | Opening and Welcome Addresses

**Professor Tomaž Keresteš**, Dean of the Faculty of Law, University of Maribor

**Assistant Professor Luka Mišič**, Vice-Dean of the Faculty of Law, University of Ljubljana

**Assistant Professor Katarina Vatovec**, Dean of the European Faculty of Law, New University

**Professor Miha Juhart**, President of the Association of the Slovenian Jurists Societies

**Professor Vesna Rijavec**, President of the Association of Commercial Law Societies of Slovenia

**Professor Janez Kranjc**, Member of the Presidency of the Slovenian Academy of Sciences and Arts (SAZU)

### 09:30–09:45 | Presentation of the Manifesto for Legal Scholarship in Slovenia

**Professor Janja Hojnik**, Vice-Dean for Research, Faculty of Law, University of Maribor

### 09:45–10:45 | International Perspectives on the Evaluation of Legal Scholarship

**Professor Ludo Waltman**, Leiden University, the Netherlands; co-author of the Leiden Manifesto

**Professor Jukka Snell**, University of Turku, Finland; coordinator of the expert panel for law at JUFO

**Professor Antonina Bakardjieva Engelbrekt**, Stockholm University, Sweden

**Professor Kai Purnhagen**, University of Bayreuth, Germany

**Professor Jan Komárek**, Charles University, Prague, Czech Republic

**Professor Rob van Gestel**, Tilburg University, the Netherlands

### 10:45–11:40 | Slovenian and European Perspectives

**Professor Maja Brkan**, Judge and Advocate General at the General Court of the European Union

**Professor Damjan Kukovec**, Judge at the General Court of the European Union

**Professor Rajko Knez**, Faculty of Law, University of Maribor; former President of the Constitutional Court of the Republic of Slovenia

**Assistant Professor Ana Polak Petrič**, Ambassador of the Republic of Slovenia to the Federal Republic of Germany and Assistant Professor of International Law

**Blanka Javorac Završek**, Higher Court Judge and Director of the Judicial Training Centre

**Janez Starman**, Attorney-at-Law and President of the Slovenian Bar Association

### 11:40–12:40 | Discussion

**Assistant Professor Denis Baghrizabehi**, Faculty of Law, University of Maribor

**Professor Ana Vlahek**, Faculty of Law, University of Ljubljana

**Associate Professor Petra Ferk**, European Faculty of Law, New University

**Associate Professor Petra Weingerl**, Faculty of Law, University of Maribor

**Professor Jaka Cepec**, School of Economics and Business, University of Ljubljana

Other discussants

### 12:40–13:00 | Conference Conclusions

Summary of key findings

Next steps

# Contributions from the Conference

*The following texts are editorially revised working versions of the oral contributions, prepared on the basis of the recording and minutes of the conference.*

**Professor Tomaž Keresteš**
Faculty of Law, University of Maribor

## The Emancipation of Legal Scholarship and the Suitability of Evaluation Criteria

Legal scholarship in Slovenia today, as in other countries, is confronted with evaluation criteria that were developed primarily in other academic disciplines. Such criteria have certain advantages, but they cannot be the sole basis for assessing the results of legal research. Law has historically played an important role in supporting legal practice, especially the judiciary, and thereby directly contributes to the rule of law.

If evaluation fails to take account of the specific characteristics of legal research, this very function of legal scholarship is endangered. The question is therefore not whether quality should be assessed, but whether the criteria used are appropriate to the object being evaluated. In this respect, the conference and the Manifesto represent an important step towards the emancipation of legal scholarship as an equal but distinct academic field.

**Professor Miro Cerar**
Faculty of Law, University of Ljubljana

# Restoring the Balance Between International Engagement and National Legal Scholarship

Every national legal system is shaped by its particular legal tradition, culture and, not least, politics. Despite the undeniably significant role of the internationalisation of law and legal scholarship, distinct national legal systems therefore remain an inevitable reality and play a crucial role in the existence and development of every society organised as a state. Alongside promoting the international exchange of legal knowledge and experience and international cooperation, it is therefore essential to develop the nationally specific dimensions of legal scholarship, professional practice and education, and, within this framework, to foster the development of national legal language and terminology.

Slovenian academic policy must foster a more appropriate balance between the international and national activities of Slovenian legal scholarship, as this balance has long been skewed to the detriment of its national dimension. Consequently, Slovenian legal theory and practice are becoming increasingly impoverished in their specifically Slovenian scholarly, professional and linguistic dimensions. This balance must therefore be restored as soon as possible by revising the criteria for evaluating scholarly contributions in law. These criteria should ensure that strong international engagement is accompanied, to the greatest extent possible, by support and recognition for efforts to nurture domestic legal scholarship and develop Slovenian legal language.

**Assistant Professor Luka Mišič**
Faculty of Law, University of Ljubljana

# International Openness and Domestic Relevance

In systems of research funding and quality assurance, law faculties often face pressure to publish in very specific international formats, especially journals with a high impact factor. This may marginalise forms of publication that are

characteristic of and important to law: scholarly commentaries, monographs, edited publications and works intended for Slovenian legal practice.

A particular risk is the gradual neglect of the Slovenian legal language and terminology. At the same time, law must not become inward-looking or exclusively nationally oriented. For a small legal and linguistic community, the key is therefore balance: strong international engagement combined with care for domestic legal scholarship and the Slovenian legal language.

**Assistant Professor Katarina Vatovec**
European Faculty of Law, New University

## Reform Must Preserve Excellence and Self-Criticism

The initiative to reform the evaluation system is important, but the legal community must at the same time preserve high standards and remain critical of its own practices. The key question is not only whether change is needed, but what kind of change we want and how we can ensure that it does not lower scholarly quality.

When evaluating commentaries, citations and other forms of scholarly work, the actual scope and difficulty of the contribution must be taken into account. European trends point away from the industrial production of large quantities of texts and towards greater emphasis on a smaller number of genuinely high-quality works. Reform should therefore be ambitious, modern and open, and its implementation requires sincere cooperation among all Slovenian law faculties.

**Professor Miha Juhart**
Faculty of Law, University of Ljubljana; Association of the Slovenian Jurists Societies

## Slovenian Legal Journals as Infrastructure of the Rule of Law

Current criteria significantly affect the position of domestic legal journals. Pravnik, a journal with an exceptionally long tradition, finds it increasingly difficult to attract the best scholarly contributions because publications in Slovenian

and in journals outside the main international databases often do not bring younger researchers comparable academic recognition.

Slovenian legal literature is not intended only for the academic community. Judges, lawyers and other practitioners need high-quality analyses of the Slovenian legal order in the language in which legislation, case law and the legal professions operate. Preserving high-quality Slovenian legal journals is therefore a question of the development of the legal profession, legal culture and the rule of law.

**Professor Vesna Rijavec**
Faculty of Law, University of Maribor; Association of Commercial Law Societies of Slovenia

## The Societal Significance of Legal Scholarship

Legal scholarship must be recognised as an important factor in social development. Lawyers should not be involved only once problems arise, but from the initial stages of economic projects, investments and other important decisions. For such a role, legal research must be appropriately recognised and evaluated.

The development of the Slovenian legal language remains particularly important. Without the possibility of high-quality scholarly expression in Slovenian, legal scholarship cannot fully perform its role in the economy, public administration, legislation and the judiciary.

**Professor Janja Hojnik**
Faculty of Law, University of Maribor

## Balancing International Openness and Responsibility to the Domestic Legal Order

The full text of the Manifesto is available to conference participants in both Slovenian and English, so I will not read it out again at the conference. Instead, I will explain the broader context that led to its creation and highlight some of the central concerns it addresses.

In my view, the origins of today's debate can be traced to the turn of the millennium, when the SICRIS system was being developed in Slovenia and metric-based evaluation of research became increasingly prominent. The system gradually introduced automated scoring according to predetermined indicators and criteria, while substantive expert assessment of individual works received less weight.

Legal scholarship entered the debate on the design of this system relatively late. In the 1990s, many lawyers were intensively involved in building the legal foundations of the new Slovenian state: drafting legislation, advising institutions and shaping constitutional and other state structures. Whatever one's interpretation of the history of the system, the important point is that legal scholarship became aware of its consequences for its own research culture only later.

As early as 2012, Matej Avbelj and I drew attention in Pravna praksa to some of the difficulties that metric-based evaluation creates for legal research. Before the pandemic, we organised a discussion in Maribor with Professor Rob van Gestel of Tilburg University, who addresses these issues comparatively. The immediate impetus for the Manifesto came from the debate at the Slovenian Lawyers' Days in 2025, after which representatives of all three Slovenian law faculties began preparing a joint document.

First, I would like to emphasise what the Manifesto does not advocate. It is not opposed to the internationalisation of legal scholarship. On the contrary, Slovenian legal scholarship is part of the international research community, and legal researchers must publish, cooperate and compete internationally. The data show that the international engagement of Slovenian legal researchers has increased markedly in recent decades. The number of legal researchers has approximately doubled over the past twenty-five years, while the number of their foreign-language publications has increased almost tenfold. Slovenian legal scholars have therefore already adapted substantially to the rules and incentives of the current system.

The core problem lies elsewhere: how to preserve a balance between international openness and responsibility towards the domestic legal order. Legal scholarship is closely connected to language, courts, legislation, legal culture and legal practice. Law is not only an academic discipline, but one of the foundations of a constitutional state governed by the rule of law. Legal scholarship

interprets, critically assesses and helps to develop the legal system. If domestic legal scholarship weakens, the legal system's capacity for self-reflection and autonomous development weakens as well.

This is particularly important in small legal and linguistic communities such as Slovenia. If scholarly relevance is too closely equated with suitability for international publication and quantitative indicators, there is a risk that researchers will increasingly neglect questions of Slovenian constitutional, administrative, civil, criminal and other fields of law, case law and legal terminology when these issues do not attract wider international attention.

I would particularly highlight two challenges. The first concerns scholarly monographs. In law, a monograph is not merely one of many forms of publication. It is often the result of years of systematic research and enables in-depth doctrinal analysis, conceptual synthesis, and systematic treatment of case law and legislation. If years of work on a substantial monograph are valued roughly the same as a small number of articles, the system encourages fragmented and short-term publication strategies rather than substantial systematic works.

The second challenge concerns legal journals in the Slovenian language. These are not merely academic media, but part of the infrastructure of the rule of law. They develop Slovenian legal terminology, provide a forum for discussion of domestic legislation and case law, and maintain communication between academia, courts, the legislature, public administration and the legal professions. In law, language is not merely a technical instrument. Legal concepts are embedded in national constitutional traditions, legal culture and the legal order.

At the same time, we must remain intellectually honest about the origins of these tensions. The problem is not simply that other disciplines wish to impose inappropriate criteria on law. An important factor is limited public funding for research. The fewer the resources, the stronger the competition for their distribution; in such an environment, disciplines naturally tend to assess other fields on the basis of their own methodological assumptions and publication cultures.

We must also recognise that evaluation today largely operates at the macro level. States do not have unlimited financial and institutional capacity to assess the substance of every scholarly work individually. Metrics developed partly because they provide an administratively manageable and seemingly objective

means of allocating resources. Nor should we idealise peer review: peer assessment alone does not necessarily guarantee greater fairness, objectivity or quality.

The Manifesto therefore does not propose abolishing evaluation or completely abandoning metrics. It calls for a more balanced, contextual and discipline-sensitive approach to the evaluation of legal scholarship.

In preparing the document, we drew inspiration—including for its title—from the well-known Leiden Manifesto on research metrics. If anyone wondered: yes, the inspiration was the Leiden Manifesto, not the Communist Manifesto.

Most importantly, Slovenia is not alone in facing these issues. Similar debates are taking place across Europe and beyond. This is precisely why we invited distinguished international colleagues to the conference to share experiences from their own systems and discuss broader developments in contemporary research evaluation.

**Professor Ludo Waltman**
Leiden University, the Netherlands

# Responsible Evaluation Must Begin with Context

The arguments of the Slovenian Manifesto are consistent with developments in international best practice in research evaluation. The Leiden Manifesto, the SCOPE Framework and the Dutch Strategy Evaluation Protocol share a common premise: evaluation should not be based on a one-size-fits-all approach.

Evaluation must begin with the mission of the research unit, the strategy of the institution and the values and purpose of the assessment. This means that locally relevant research and publication in a local language cannot automatically be regarded as inferior. The call for contextualised evaluation is not a Slovenian peculiarity or a request for privilege, but is increasingly part of the international understanding of responsible research policy.

**Professor Jukka Snell**
University of Turku, Finland

# The Finnish Model: Domestic Publications and International Standards Are Not Mutually Exclusive

The Finnish Publication Forum (JUFO) classifies journals and publishers and also affects university funding. Following criticism from the social sciences and humanities, it was adapted so that it does not automatically give preference solely to English-language and international publications.

Leading Finnish and Swedish legal journals can have the same status as major international journals, and quality is assessed by experts. Monographs also carry significant weight. The Finnish example thus shows that it is possible to protect the national language and legal tradition while maintaining quality and international comparability.

**Professor Antonina Bakardjieva Engelbrekt**
Stockholm University, Sweden

# The Importance of Actual Reading and Substantive Assessment

Decisions on academic promotion must continue to be based on evaluators actually reading works and assessing their content. There is growing pressure to substitute the reputation of the journal for substantive assessment, which diminishes the quality of academic exchange.

Swedish legal journals in local languages also face pressure from internationalisation. Local languages are important for discussions of European law as well. The same is true of doctoral dissertations: article-based dissertations can be of very high quality, but if monographs disappear, law may lose depth, historical maturity and systematic analysis.

**Professor Kai Purnhagen**
University of Bayreuth, Germany

# The German Experience: Autonomy, Prestige and Transparency

German legal academia does not have a uniform national system of research metrics. Monographs, doctoral theses, habilitation, reputation and peer review carry substantial weight. This allows greater flexibility and preserves a strong domestic legal culture, but it also has disadvantages: hierarchies, informal networks, slower career progression and less predictability.

The international orientation of younger researchers is increasing, but often because of their intrinsic motivation rather than external metrics. For Slovenia, it is important not to replace one extreme with another: clear standards, transparency and predictability are needed, together with sufficient academic autonomy for different research profiles.

**Professor Jan Komárek**
Charles University, Prague, Czech Republic

# Beyond the "Tyranny of Metrics"

Bibliometric systems have the dangerous tendency to confuse what is measurable with what is important. Legal scholarship is particularly exposed because its key outputs are often tied to individual jurisdictions, languages and specific publication forms such as monographs and commentaries.

Commercial databases such as Web of Science and Scopus are incomplete, while formal criteria can encourage strategies for gaming the system. Responsible evaluation must give priority to expert judgement over mere quantification, recognise the contextual value of national and doctrinal research, acknowledge the limits of bibliometrics and differentiate between disciplines. The key question should be whether research improves our understanding of law, justice and systemic coherence, not simply how many points or citations it produces.

**Professor Rob van Gestel**
Tilburg University, the Netherlands

# First, We Need to Know What Evaluation Is For

The purpose of evaluation must be clarified before criteria are chosen. Different criteria are needed to assess whether an article meets minimum publication standards, to determine whether a work is truly excellent, or to compare a book with a case note. Numbers can be used to compare almost anything, but that does not make the comparison fair.

It is particularly problematic to compare directly the citation count of an English-language open-access article with that of a doctrinal publication in Slovenian or Dutch in a local journal. High-quality research grows out of intellectual curiosity and a good academic environment. Legal scholarship itself must define more clearly what counts as quality; otherwise, others will define the criteria for it.

**Professor Maja Brkan**
General Court of the European Union

# Holistic Evaluation of Monographs and Research Work

Legal monographs should be evaluated on an individualised basis. They are characterised by their scope, in-depth and systematic treatment of complex issues, and the lengthy research process behind them. Treating a monograph as simply equivalent to a fixed number of articles disregards the actual amount of work and scholarly value involved and encourages short-term and fragmented publication strategies.

It is equally important to evaluate domestic and international journals on the basis of the quality of the contribution, irrespective of language or place of publication. One interesting example of good practice is the Dutch Recognition & Rewards programme, which supplements quantitative indicators with scholarly integrity, teaching, societal impact, teamwork, open science and a personal development portfolio. Such an approach enables a more dynamic and individualised assessment of academic work.

**Professor Damjan Kukovec**
General Court of the European Union

# Slovenian Legal Discourse as a Precondition for an Equal Voice in the European Union

Slovenian is one of the official languages of the European Union, reflecting the fundamental idea that EU law must operate in every Member State through its legal language. As a small state, Slovenia needs a strong national legal discourse in order to articulate its interests and develop its own solutions within the European legal framework.

Judges, ministries, lawyers, academics and the broader legal community must all participate in this process. Publications in Slovenian are important because they enable the involvement of all relevant stakeholders. The key is to strike the right balance between rootedness in the Slovenian environment and openness to the outside world, while content must take precedence over form in evaluation.

**Professor Rajko Knez**
Faculty of Law, University of Maribor

# Case Law Needs In-Depth Domestic Legal Theory

Law contains a strong national element and therefore cannot be evaluated by the same criteria as engineering and the natural sciences. Judges dealing with questions of national law need in-depth domestic legal theory. A judicial decision may be only the tip of the iceberg; beneath it there is often an extensive, invisible theoretical foundation that the judge must know.

Foreign-language publications by Slovenian authors are often not sufficiently in-depth in fields primarily concerned with domestic law or are not directed at questions relevant to domestic legal practice. A system that strongly privileges journals with a high impact factor can therefore weaken Slovenian legal scholarship. The purpose of legal research must not be to meet numerical targets, but to enrich law, legal scholarship and society.

**Assistant Professor Ana Polak Petrič**
Embassy of the Republic of Slovenia in Berlin; European Faculty of Law, New University

# International Openness and the Importance of One's Own Language

Slovenian legal scholarship must remain open to international cooperation and establish itself even more strongly abroad. This does not mean that research and publication in Slovenian should be devalued.

The experience of working abroad often makes the importance of one's own scholarship, identity and culture even clearer. For a small nation, preserving a high-quality professional and scholarly language is a long-term question concerning the future of the legal community and is compatible with internationalisation.

**Blanka Javorac Završek**
Judicial Training Centre, Ministry of Justice

# Legal Scholarship as Support for the Judiciary and Lifelong Learning

The quality of the judiciary does not depend solely on knowledge acquired during university studies. Judges, prosecutors and court staff require continuing education and must keep abreast of new legislation, case law and legal theory. Monographs, books and comprehensive doctrinal works are indispensable for this purpose.

Legal scholarship develops through language, interpretation and argumentation and therefore cannot be measured in the same way as experimental sciences. Experience with judicial reforms also shows that imported models without local roots often fail. If legal scholarship loses the space for in-depth analysis, the judiciary loses an important source of legal certainty.

**Janez Starman**
Slovenian Bar Association

# Legal Scholarship Must Remain Connected to Legal Practice

In their work, lawyers rely heavily on high-quality, accessible and useful legal literature. Because of procedural deadlines and daily casework, they do not always have the opportunity for lengthy in-depth study, which makes high-quality systematic legal analysis essential.

Legal academia should therefore ask itself whom it is writing for and whether it has sufficient contact with the problems of practice. Rapidly changing legislation makes the development of stable practice even more difficult. Closer cooperation among academics, judges, lawyers, notaries and other practitioners can help identify and address legal questions that matter to society, while scholarship must of course preserve its research autonomy.

**Assistant Professor Denis Baghrizabehi**
Faculty of Law, University of Maribor

# Research Evaluation Also Affects the Quality of Teaching

Increasingly demanding habilitation criteria are felt especially directly by younger researchers. The problem is not merely one of career progression; it also affects the unity of research and teaching. If researchers are required to direct most of their work towards international or comparative topics, they may become less able to systematically follow the latest developments in domestic law and teach students about them.

A second problem is the internationalisation of domestic legal journals, which increasingly publish in English in order to be indexed in international databases. This can create a feedback loop in which both researchers and journals become progressively more distant from the Slovenian legal sphere.

**Professor Ana Vlahek**
Faculty of Law, University of Ljubljana

# From Content to Form: A Researcher's Personal Experience

International publications and international engagement are important. The problem arises when the system gives them disproportionate weight and subjects legal scholarship to excessive, complex and rigid quantification and to criteria transferred from the natural sciences.

Personal research experience shows how a system of points, databases and impact factors can produce a shift from content to form. Researchers begin to devote more energy to topics of international interest and less to specific questions of domestic law. Such a system can therefore reduce the usefulness of scholarship for the legal environment that funds and needs it.

**Associate Professor Petra Weingerl**
Faculty of Law, University of Maribor

# The Distinctiveness of Law Also Entails Responsibility for the Legal Community

Legal education in the European Union is not harmonised, and legal solutions are often nationally specific. Publications in Slovenian are therefore essential for questions that Slovenian judges, practitioners and students need to understand. International openness and national responsibility must complement one another.

At the same time, the Manifesto also places responsibility on the legal community itself. If we demand recognition of the specific characteristics of law, we must ensure high standards of quality, fair peer review, scholarly integrity and the ability to eliminate poor practices. Special treatment must not mean lower standards.

**Associate Professor Petra Ferk**
European Faculty of Law, New University

# The Manifesto as an Initiative for Future Generations

The Manifesto is not an initiative intended to make the academic careers of the current generation of researchers easier. That generation has already largely adapted to the pressures of internationalisation; indeed, the consequences of those adaptations are one of the reasons why the Manifesto is needed at all.

If legal knowledge is produced predominantly in English, in the long term we may contribute more to the development of other countries than to the Slovenian legal, economic and social sphere. The Slovenian legal language is part of statehood and the rule of law and is essential for future generations of lawyers, the development of terminology and access to legal knowledge.

**Professor Jaka Cepec**
School of Economics and Business, University of Ljubljana

# From Principles to Concrete Objectives

The Manifesto must state more clearly what it seeks to achieve in concrete terms. A distinction should be drawn between habilitation criteria, project funding, institutional funding of law faculties, and the position of law within ARIS. The objectives need to be defined in more practical terms.

At the same time, the legal community must show greater institutional solidarity when individual researchers encounter systemic problems in evaluation. Research autonomy must also be preserved: closer links with practice do not mean that lawyers, business or other stakeholders should determine what legal scholarship is to research.

**Professor Tomaž Keresteš**
Faculty of Law, University of Maribor

# Closing Intervention: The Problem Is Systemic

The evaluation of legal scholarship is not primarily a question of habilitation. It is a broader problem concerning the position and emancipation of legal scholarship as an equal academic discipline. Inappropriate criteria have direct consequences above all for research funding.

Lawyers can adapt to formal criteria, but the more important question is whether those criteria are beneficial for the rule of law, the legal system and legal scholarship in Slovenia. The aim of the Manifesto is therefore not to make academic careers easier, but to secure proper recognition of the distinctive and socially crucial role of legal scholarship.

**Professor Nataša Samec Berghaus**
Faculty of Law, University of Maribor

# Trust, Access to Case Law and the Feedback Loop with Practice

Law and legal scholarship are closely linked to trust in the state, the courts and the legal order. Scholarship is not an end in itself, but should contribute to the better functioning of society.

High-quality legal research also depends on access to case law, including first-instance decisions. Without access to complete judicial decisions, it is difficult to analyse law and its application in depth. A stronger feedback loop is needed between legislation, practice and legal scholarship.

# Conference Conclusions and Next Steps

The discussion demonstrated broad agreement that the problem of evaluating legal scholarship goes beyond academic habilitation and concerns the position of law in research policy and funding, as well as its role in the development of the Slovenian legal language and the quality of the judiciary, legislation and legal practice.

- The working group on legal scholarship should continue its work and prepare more concrete proposals for implementing the Manifesto.
- Guidelines grounded in expert assessment should be prepared for a more appropriate evaluation of legal monographs, commentaries and other forms of scholarly work characteristic of law.
- Proposals should be developed to improve the standing of high-quality domestic legal journals and to preserve and develop Slovenian as a language of legal scholarship.
- Particular attention should be devoted to project and institutional funding of legal scholarship and to the recognition of European projects in the fields of law and justice.
- Consideration should be given to establishing a special Commission for the Evaluation of Legal Scholarship in Slovenia, involving representatives of law faculties and the broader legal community.
- Dialogue should continue with ARIS, NAKVIS, universities and other institutions that shape research and habilitation policies.
- The Manifesto and the conference conclusions should be presented at the Slovenian Lawyers' Days 2026.
- The possibility of a broader interdisciplinary debate under the auspices of the Slovenian Academy of Sciences and Arts should be explored.
- In calling for recognition of the specific characteristics of the discipline, the legal community itself must uphold high standards of scholarly quality, integrity and peer review.

The conference confirmed that the purpose of the Manifesto is not to diminish the importance of international excellence, but to create a more balanced system that will simultaneously promote top-quality international research and enable the development of Slovenian legal scholarship as one of the foundations of the rule of law.

# Abstract

This publication brings together the Manifesto for Legal Scholarship in Slovenia and contributions from a national conference of 14 May 2026 on its evaluation. It examines the limitations of a system that prioritises bibliometric indicators and international publications while insufficiently recognising the distinctive features of legal research, its grounding in the social sciences and humanities, and its relationship with the domestic legal order. It highlights the contribution of legal science to the rule of law, legislation, judicial practice, legal education and the Slovenian legal language. The publication advocates balancing international openness with national responsibility, assessing research through substantive expert judgement, recognising monographs and commentaries, and treating domestic and international publications equally on grounds of quality. Slovenian and international experts explore responsible evaluation attentive to research purposes and disciplinary contexts. Conference conclusions call for revised criteria, improved project and institutional funding, recognition of European legal projects, and continued dialogue with universities and relevant agencies. Reform must uphold scholarly quality, integrity and peer review while strengthening cooperation between academia and legal practice.

**Keywords:** legal science; research evaluation; rule of law; scholarly monographs; Slovenian legal language.



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Pravna znanost v RS ni zgolj akademska dejavnost, temveč hrbtenica pravne države, njen spomin in njen glas razuma. Kot disciplina, ki povezuje družboslovne in humanistične razsežnosti prava, ohranja pravno kulturo, razvija pravni jezik ter omogoča kritično refleksijo delovanja države in njenih institucij. Če bo izgubila svoj položaj, bo tudi država izgubila sposobnost, da razume samo sebe. Zato pozivamo k skupnemu prizadevanju za sistem, ki bo varoval, spodbujal in vrednotil pravno znanost v skladu z njenim poslanstvom – v službi prava, družbe in države.

Legal science in the Republic of Slovenia is not merely an academic activity, but the backbone of the rule of law, its memory and its voice of reason. As a discipline that bridges the social science and humanities dimensions of law, it preserves legal culture, develops legal language and enables critical reflection on the functioning of the state and its institutions. If it loses its position, the state will also lose its ability to understand itself. We therefore call for a joint effort to establish a system that will protect, promote and value legal science in accordance with its mission—in the service of the law, society and the state.

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