I. Doctoral regulations of the Faculty of Law, Economics and Business of the Martin Luther University Halle-Wittenberg for obtaining the degree of Doctor of Laws (Doctor iuris, Dr. iur.)

of 14 December 2011 (Official Gazette of the Martin Luther University Halle-Wittenberg 2012, no. 1 of 30 January 2012, page 3)

Pursuant to Sections 17(6) page 1, 18(7), 55(2) no. 4, 55(3) page 1 and 122(1) of the Higher Education Act of the Federal State of Saxony-Anhalt (HSG LSA) of 17 June 2010 (Gazette of Laws & Ordinances (GVBl. LSA page 600) and Section 11 of the Faculty Regulations of the Faculty of Law, Economics and Business of 19 July 2006 (Official Gazette 2006, no. 6, p.1), the following doctoral regulations for the degree “Doctor of Laws” (Doctor iuris, Dr. iur.) shall be issued for the Faculty of Law, Economics and Business of the Martin Luther University Halle-Wittenberg.

Section 1
Doctorates

(1) The Faculty of Law, Economics and Business confers the academic degree of Doctor of Laws (Dr. iur.) on the basis of special academic achievements in the field of Law.

(2) The Faculty may confer an honorary academic title of Doctor of Laws (doctor honoris causa, Dr. iur. h.c.) in recognition of outstanding academic contributions or special services to science.

Section 2
Work undertaken by doctoral candidates

(1) By submitting a thesis resulting from independent academic work, the candidate must demonstrate his/her ability to achieve results that advance the development of jurisprudence, its theories and methods.

(2) The special academic achievements pursuant to Section 1 subsection (1) shall be evidenced by means of

   a) an academic thesis and

   b) a public defence and scientific deliberation.

(3) The thesis must not yet have been published; in exceptional cases, the thesis shall be permitted to include published texts if this is clearly indicated. Furthermore, the thesis must provide evidence of an academic achievement extending beyond the scope of any parts already published.

4) Upon request, the Faculty Council shall allow English to be used as the language in which the doctoral work is conducted. The Faculty Council shall be entitled to permit the use of another language, provided that steps have been taken to ensure that the written and oral components to be performed can be assessed in that language. If the thesis is written in a language other than German or English, it must be accompanied by a summary in German or English.
Section 3  
**Doctoral requirements**

(1) Admission to doctoral studies shall require a degree in Law from a German university and

a) a pass in the first state examination in Law or the second state examination in Law with a grade of “Fully satisfactory” or higher, or,

b) a “Master of Laws” degree conferred by a Law faculty in the Federal Republic of Germany with a grade of “Very good” or “Magna cum laude” or higher.

(2) A Diploma in Law obtained at a university/college referred to in Article 3 of the Unification Treaty of 31 August 1990 shall be deemed equivalent to the requirements under paragraph 1.

(3) Upon application, those who can provide evidence of an equivalent degree in Law obtained abroad may be admitted to doctoral studies. The decision whether or not to recognise such degrees shall be taken by the Faculty Council.

(4) The Faculty Council is entitled to exempt students from the grade requirements (paragraph 1).

(5) Graduates of Master’s degree or Diploma courses in Law at universities of applied sciences may be admitted to doctoral studies by the Faculty Council, if the following requirements are met:

a) a degree from a university of applied sciences with a grade of “Good” or higher

b) participation in a seminar held by the Faculty of Law of the Martin Luther University Halle-Wittenberg, accompanied by a seminar paper assessed with a grade of “Good” or higher

(6) Admission shall be refused if the applicant has simultaneously applied for admission to another faculty or has already unsuccessfully undergone a doctoral examination procedure in the past.

Section 4  
**Doctoral requirements for graduates in disciplines other than Law**

(1) Provided that the thesis is supervised by a member of the Faculty of Law, Economics and Business of the Martin Luther University Halle-Wittenberg who is authorised to do so, the following persons shall be admitted to doctoral studies in the Faculty of Law, Economics and Business of the Martin Luther University Halle-Wittenberg:

a) anyone who has completed a postgraduate course resulting in the conferral of a Master’s degree in Business Law and a grade of “Very good” or “Magna cum laude” or higher, or

b) anyone who has obtained the degree of “Master of Medicine, Ethics and Law” (M.mel.) with a grade of “Good” or higher, and

aa) can provide evidence of sufficient legal knowledge in the form of a seminar certificate obtained at the Faculty of Law, Economics and Business
of the Martin Luther University Halle-Wittenberg with a grade of “Good” or higher, and

bb) can present a Master’s degree thesis focusing on a legal topic that was assessed at a grade of “Good” or higher and

cc) has obtained at least 25 credit points in Law modules.

(2) Graduates of a domestic or foreign university with a degree in a discipline other than Law may be admitted to doctoral studies if

a) they have completed their degree programme with a grade equivalent to the grade “Fully satisfactory” in Law, or higher;

b) can provide evidence of sufficient legal knowledge by means of successful participation in an exercise for advanced students and in the form of a seminar certificate obtained at the Faculty of Law, Economics and Business of the Martin Luther University Halle-Wittenberg with a grade of “Good” or higher, and

c) a university teacher from the Faculty of Law of the Martin-Luther-University Halle-Wittenberg agrees to supervise the thesis.

Section 5
Acceptance procedure

(1) The application for admission to doctoral studies must be submitted in writing to the Dean.

(2) The following must be enclosed with the application:

a) the thesis in the form of two printed copies and one digital copy;

b) personal details (surname, existing academic degrees, first name, previous names, in particular name at birth, date of birth, place of birth, sex, place of residence and correspondence address, nationality) and details of academic career;

c) evidence satisfying the admission requirements stated in Sections 3 and 4

d) a declaration stating whether the applicant has already submitted a doctoral application elsewhere on the basis of the thesis submitted or parts thereof

e) a written assurance that the applicant has written the thesis independently, that he or she has only used the sources specified and that he or she has identified passages taken from the writings of other authors, either verbatim or in the same sense;

f) a written assurance that the thesis complies with the requirements of Section 2, paragraphs 2 and 3.

(3) The Dean shall decide on admission.

(4) The doctoral application may be withdrawn, as long as no negative decision has been taken on the thesis and the oral examination has not begun.
Section 6
Board of Examiners

(1) Once the application has been admitted to doctoral studies, the Dean (the Dean and the Vice Deans) shall appoint the assessors (Section 7) who will examine the thesis.

(2) The Board of Examiners is generally composed of:
   a) the Dean or a representative nominated by him/her to the position of Chair, and
   b) the first two assessors appointed to assess the thesis.

(3) The assessors may not hold the position of Chair.

(4) The Dean shall inform the doctoral candidate of the composition of the Board without delay.

Section 7
Assessors

(1) The thesis shall be evaluated by two assessors who must be habilitated and/or must be professors. At least one of the assessors must be a university teacher.

(2) As a rule, the university teacher supervising the doctoral candidate should be appointed as the first assessor.

(3) If the supervising university teacher is no longer a member of the Faculty, he or she may be asked to submit an assessment up to five years after leaving the Faculty.

(4) The assessors shall assess the thesis and award a grade (Section 13).

Section 8
Display of the thesis and the assessments

(1) Immediately after receipt of the last assessment, the Dean shall display the copies of the thesis with the assessments in the Dean’s office for inspection for two weeks.

(2) The Dean shall notify the doctoral candidate and the habilitated members and professors of the Faculty in good time of the start of the display period, the grades awarded and the names of the assessors.

(3) The habilitated members or professors of the Faculty shall be entitled to inspect the thesis and the assessments and to submit a reasoned opinion on them in writing for the attention of the Dean no later than one week after the end of the display period. Upon request, the Dean may extend the deadline for the submission of opinions.
Section 9
Acceptance and rejection of the thesis

(1) The thesis shall be deemed to have been accepted if the assessors recommend its acceptance, unless at least one opinion recommending the rejection of the thesis (Section 8 paragraph 3) has been submitted. In such cases, the habilitated members of the Faculty shall decide whether the thesis shall be accepted. Before that decision is taken, the appointment of an additional assessor may be requested by majority vote.

(2) The thesis shall be rejected if two assessors reject its acceptance. If, in cases involving two assessors, only one assessor recommends the acceptance of the thesis, the Dean, acting in consultation with the subject representatives, shall appoint a further assessor. The habilitated members of the Faculty shall decide on the acceptance of the thesis on the basis of all assessments (Section 7 paragraph 1) and opinions (Section 8 paragraph 3).

(3) If acceptance of the thesis is rejected, the Dean shall inform the applicant in writing of the reasons for rejection and shall provide instructions about how to appeal. The rejected thesis shall remain on file within the Faculty, along with all of the assessments.

(4) The thesis must be headed by a title page of the type shown in Annex 1.

Section 10 Reworking of the thesis

If the assessors recommend that the thesis be reworked, the Dean shall notify the candidate accordingly and shall set a suitable deadline. If that deadline expires without result, the thesis will be rejected. If an extension of the deadline is requested on special grounds, the Dean may grant that request.

Section 11
Public defence and scientific deliberation

1) Following acceptance of the thesis, the Dean shall determine the date for the public defence and scientific deliberation and grants access to the assessments.

2) During the public defence and scientific deliberation, the doctoral candidate shall demonstrate that he or she is in possession of a thorough scientific education, in particular in the field of Law and specialisation from which the thesis originates, and that he or she possesses the ability to think through scientific questions independently.

3) The public defence shall begin with a short lecture by the doctoral candidate on the problems and outcomes of the thesis. This shall be followed by a scientific deliberation with the members of the Board of Examiners. Based on the lecture and on the outcomes of the thesis and its scientific references, the scientific deliberation should also extend to other fields of Law. The Board of Examiners and/or the Chair of the Board of Examiners shall also be entitled to allow other scientists or academics to speak.
Section 12
Assessment

(1) After the scientific deliberation, the Board of Examiners shall determine the grades for the thesis and the public defence and use these to determine the overall grade (Section 13). The Board of Examiners shall decide whether any conditions are to be imposed with regard to the publication of the work.

(2) If the Board of Examiners declares the public defence and scientific deliberation to be insufficient, the doctoral candidate may request a repetition once within one year. If the doctoral candidate misses the deadline, if he or she expressly forgoes a repetition or if he or she does not pass the repetition, the doctoral examination procedure shall be terminated without success.

Section 13
Grades

The doctoral achievements shall be rated as “excellent” (summa cum laude), “very good” (magna cum laude), “good” (cum laude), “satisfactory” (satis bene), “sufficient” (rite) or “insufficient” (insufficienter).

Section 14
Publication

(1) The thesis shall be published as an independent document or as a treatise in a scientific journal. Subject to the consent of the Faculty Council, publication in a journal may be limited to the essential elements only.

(2) Within one year of the oral examination, 80 copies of the thesis must be submitted to the Faculty. If the thesis is released in bookshops, ten copies must be submitted.

(3) The copies shall be preceded by a title page in accordance with the prescribed model and shall include details of the author’s identity and scientific career in the form of a meaningful curriculum vitae.

(4) Subject to the approval of the Faculty Council, the thesis may be published electronically in accordance with the regulations of the University and State Library of Saxony-Anhalt (ULB). In the event that the thesis is published electronically, the doctoral candidate assigns to the ULB the right to publish the electronic version in data networks.

(5) Publication may only take place once the assessors have confirmed in writing that the final version of the thesis is ready for printing.

Section 15
Conferral of a doctorate

(1) The doctorate shall be completed by issuing or, in special cases, by delivery of the doctoral certificate, signed by the Rector and Dean, as soon as the mandatory copies have been delivered to the Faculty.
(2) If the doctoral candidate proves that the thesis has been accepted by a publisher for publication in bookshops, the Dean may hand over the doctoral certificate beforehand, provided that all conditions pursuant to Section 12(1), sentence 2 are fulfilled. In this case, conferral of the doctorate may be revoked if the mandatory copies are not delivered within the period specified in Section 14(2).

(3) In the case of electronic publication within the meaning of Section 14(4), the Dean shall hand over the doctoral certificate upon receipt of the confirmation of publication of the work by the ULB.

(4) The conferral of the doctorate shall carry the date on which the public defence and scientific deliberation took place.

(5) The title of "Doctor" may not be used until the doctorate has been completed.

(6) The completed doctorate shall be recorded in the Doctoral book of the Faculty.

**Section 16**

**Doctorate in joint supervision with a foreign Law faculty**

(1) Doctoral examination procedures may be conducted with joint supervision by a Law faculty abroad, if an arrangement has been made with the faculty in the other country and this has been agreed by Faculty Council. Such agreement must include regulations on the details of the joint doctoral examination procedure. It shall also include any requirements relating to the completion of a doctoral degree programme. Doctoral programmes under joint supervision shall be governed by the general provisions of these Doctoral Regulations unless special provisions have been made. The thesis must fulfil the formal and substantive requirements of acceptance in Germany, and fulfil the requirements that apply in the foreign country.

(2) The doctoral candidate shall be free to choose whether to submit the thesis in Germany or to the faculty abroad. The further procedure shall then be conducted on the basis of the regulations of the country of submission, but these must be adapted to the requirements of the cotutelle (bi-national supervision agreement).

(3) The candidate shall be supervised by an academic tutor from each of the two participating faculties. The supervisor from the faculty abroad shall be appointed as a first or second assessor within the doctoral examination procedure of the Faculty of Law at the Martin Luther University Halle-Wittenberg.

(4) The thesis must be submitted in the language of the location in which it is submitted, with a summary in the language of the partner faculty. Subject to the agreement of the institution, the academic supervisor and the rapporteur, the thesis may be submitted in the language of the Partner Institution, provided it is accompanied by an abstract in the other language.

(5) If the oral component of the doctoral work in the form of a defence or other equivalent form takes place at the foreign Partner Institution with the cooperation of the supervisor from Halle, this shall replace the oral component of the doctoral work at the Faculty of Law at the Martin Luther University Halle-Wittenberg. Full particulars shall be laid down in the agreement to be concluded with the Law faculty abroad.
(6) If the oral component of the doctoral work takes place at the Faculty of Law at
the Martin Luther University Halle-Wittenberg, professors from the foreign Partner
Institution may be appointed as examiners. Full particulars shall be laid down in the
agreement to be concluded with the Law faculty abroad.

(7) The doctoral certificate shall feature the seals of both participating faculties, in
so far as this is acceptable to both institutions. It shall contain the academic title of
"Dr. iur." and the corresponding academic title used in the foreign country. It shall
also include a note to the effect that the doctoral degree stated thereon was
supervised jointly. If two standalone certificates are issued, a reference or other
means shall be used to show that they form a unified certificate and that the holder
of the doctorate is entitled to use the German title of Doctor in Germany and the
corresponding title of Doctor in the foreign country. Particulars concerning the design
of the certificates shall be provided for in the agreement to be concluded with the
Law faculty abroad.

(8) Once he/she has received the doctoral certificate, the holder of the doctorate
shall be entitled to use the relevant title of Doctor in the Federal Republic of
Germany and in the country in which the participating faculty abroad is located.
He/she shall acquire the right to make use of a single title of Doctor only. The
doctoral certificate shall also include an annotation that the conferred foreign title of
Doctor does not constitute an academic title attained in a foreign country in the
sense of the German Act of the use of academic titles [Gesetz über die Führung
985). Reference may be made in the agreement with the faculty abroad to its right
with regard to reproduction of the thesis and the number of mandatory copies. Steps
must be taken to ensure that at least six mandatory copies are delivered to the
relevant Faculty of Law in Halle.

Section 17
Honorary doctorates

(1) Applications for the award of the academic degree of a Doctor of Laws honoris
causa (Section 1(2)) may be submitted to the Dean from within the body of
university teachers in the Faculty.

(2) The Senate of the University must be informed of the proposed honorary
doctorate. The Faculty Council shall decide on the application. To be approved, the
application must receive two thirds of the votes cast by its doctoral members.

(3) The honorary doctorate shall be completed by presenting a certificate signed by
the Rector and the Dean.

Section 18
Revocation of the doctorate

(1) The provisions of Section 20 of the German Higher Education Act shall apply to
the revocation of the doctoral degree.

(2) Any decision to revoke a doctorate shall be taken by the Faculty Council.
Section 19
Entry into force

These regulations were adopted by the Faculty Council of the Faculty of Law on 22 June 2011; the Academic Senate issued its opinion on them on 14 December 2011 and the Rector approved them on 23 December 2011. These regulations shall enter into force the day after their publication in the Official Gazette (Amtsblatt) of the Martin Luther University Halle-Wittenberg.

Halle (Saale), 23 December 2011

Prof. Udo Sträter
Rector