

The Review

(With Instructions for Reviewers)

1. Reviewer's personal information

1.1. First name and surname

1.2. Scientific degree, scientific title and scientific discipline of the title awarded

1.3. Head institution

1.4. Address

1.5. Identification number from Records of Scientific Workers

2. Date of reviewing:

3. Information on reviewed paper

3.1. Journal title / publisher who sent the paper for review
Collected Papers of the University of Rijeka Faculty of Law

3.2. Title of the paper

Reviewer's recommendations (please mark a category):

The paper has to be published within the category of:

1. original scientific paper
2. preliminary communication
3. review article
4. original paper
5. assessment
6. professional paper
7. reflection
8. discussion
9. presentation

10. The paper is suitable for publication if revised as _____
(please name a category)

11. The paper is not publishable.

5. Reviewer's comments on the paper and its categorisation (please see instructions for writing a review):

Instructions for Writing a Review of Scientific Papers

Categorisation of the paper

- it is possible to determine one of the following categorisation of the paper (please write a short explanation together with the categorisation):

1. An original scientific paper, as a rule, explicitly contains in its introduction the following:

(a) Title of the paper, which shows a theoretical issue of the paper, however, it can also indicate a practical issue of the paper.

(b) Overview of scientific discipline from which the paper originates and object of research that includes:

(ba) provision of the theoretical issue of the paper, i.e. unsatisfactory state of legal science insights and/or certain branch or subbranch of legal science, that is unsatisfactory due to the lack of insight (e.g. insufficient knowledge of the court decisions concerning danger as an element of civil liability; insufficient knowledge about relationship between the descriptive and prescriptive in Luhmann theory) or due to the fact that accepted insights have not been truthful.

(bb) indication of theoretical relevance of the theoretic issue, i.e. indication of imperfections in legal science and/or certain branch or subbranch of legal science that are a consequence of theoretical issue of the paper (e.g. insufficient understanding of danger as a liability element makes impossible to finish systematisation of the indemnity law; dominant interpretation of Luhmann's theory prevents the assessment of its implementation in legal history).

(bc) indication of practical relevance of the theoretical issue; i.e. indication of insufficiency in legal order and/or certain branch or subbranch of the legal order that are a consequence of theoretical issue of the paper (e.g. insufficient understanding of danger as a liability element makes impossible to have a predictable court procedure in indemnity cases; dominant interpretation of Luhmann's theory prevents application of it while regulating the prohibition of the right on deprivation of rights and judiciary).

(bd) instructions to scientific literature and its short analysis and assessment in order to prove how stands taken in the literature have not been satisfactory; in case the paper is in general terms mostly theoretical, that is paper's principal issue and object of the research are positions of other authors, the literature overview and assessment presented in paper's introduction could be significantly concise due to the fact that they are given in great detail in the main body of the paper.

(c) purpose, aims and researches, i.e. a positive provision of the part of unsatisfactory situation in legal science and/or its branch or subbranch which shall be fulfilled or corrected with the research and a negative provision of the part of unsatisfactory situation which shall not be fulfilled or corrected with the research.

(d) explanation of the working hypothesis and dissertation theses, i.e. presentation of conceptions for which assumptions are made to be able to fulfil existing emptiness in conceptions or substitute the supposed conceptions in legal science or/and its branch or subbranch, with explanations, according to the research results presented in the dissertation.

(e) scientific methods which shall be applied in the paper, i.e. indication of a method or methods, first of all a method of legal dogmatic nature and/or other possible important methods used to detect and elaborate (to present in understandable way and to explain, especially in normative, causal, functional manner etc.) data and especially legal sources (Croatian, foreign, international; laws, contracts, customs, judgements and similar; accessible and searched database).

(f) comprehensive content of the paper, i.e. content of detached chapters and subchapters of the paper.

(g) expected scientific contribution of the paper, i.e. provision of chapters and/or subchapters of dissertation which shall have a significance of scientific paper (original, review paper or preliminary communication) or professional paper.

(h) list of legal sources and scientific, that is professional literature used in the paper.

2. Preliminary communication is a scientific paper that originally resolves an important theoretical issue with a scientific method, i.e. tries to replace existing or to present completely new scientific conceptions. It seems possible that such efforts will be made, however the paper does not contained enough proofs to be the original scientific paper. As a rule, the paper is published to enable the author to gain authorship rights over the partial research results (e.g. collection and assessment of legal sources and historical documents), especially in cases in which other researchers may make a use of them or there is a threat for authorship rights recognition. The preliminary communication contains elements and equipment contained within the original scientific paper.

3. A review article is a paper that resolves a theoretical meta-problem by applying the scientific method, i.e. it resolves an unsatisfactory presentation of scientific conceptions in a certain scientific matter or problem, as a rule, on basis of a detailed overview of domestic and foreign literature in several languages which are relevant for the paper issue (e.g. it is considered to be a problem the present overview of journal review articles, exceptionally book chapters and/or encyclopaedia articles on the necessity defence as a condition to exclude liability due to the fact these overviews have been incomplete and/or vague and/or in discrepancy or similar). The review article, as a rule, contains elements and equipment contained within the original scientific paper, in any case the elements from subparagraphs 2.1.1-2.1.3 and 2.1.7 which are customized to the review article. (Explanatory note: sample review articles are encyclopaedia articles in *Historisches Woerterbuch der Philosophie*, 13 Bde, Basel /Stuttgart: Schwabe & Darmstadt: Wissenschaftliche Buchgesellschaft, 1971-2007, and each review article contains not only the list of the most important literature but also detailed instructions to certain pages of the literature in the form of endnotes).

4. An original paper is a paper that originally resolves a certain important philosophical issue or authoritatively resolves a certain important legal (especially legislative or constitutional judicial) issue, i.e. it assesses a current state of law (of legislature, constitutional judicial, court, administrative or business practice and similar) and offers solutions for its improvement. The original paper, as a rule, contains the equipment contained within the original scientific paper.

5. An assessment (review) is a paper that presents, analyses and assesses a certain scientific paper with a scientific method, usually the scientific monograph.

(Explanatory note: a model to write the assessment is the analysis of original scientific paper from subparagraph 2.) The assessment may be equipped with key words.

6. A professional paper is a paper that originally resolves an important practical problem with a scientific method, i.e. by applying the scientific conceptions to the practical problem it tries to substitute current or present new practical solutions to the problem thereat without resolving a certain theoretical issue. The professional paper contains the equipment contained within the original scientific paper.

7. A reflection is a paper in which the author presents his professional views on certain legal or other social issues. The reflection may be equipped with key words.

8. A discussion is a record of two scientists' conversation about legal or other social issues. The discussion may be equipped with key words.

9. A presentation is a paper that briefly presents and assesses contents of certain scientific paper or complex legal act.

Instruction – reasons for exemption of the reviewer

Reviewer must seek his/her exemption from review process of a particular paper because of the conflict of interest in following situations:

1. He/she is an author or co-author of the paper;
2. Significant content of the paper is a discussion of the reviewer's published positions on topic (in a scientific paper, a professional paper, a judgment, a newspaper interview, a public debate, etc.);
3. The paper is a part of student paper (seminar paper, diploma thesis, master's thesis, doctoral dissertation or similar) which was created under the supervision of the reviewer;
4. The reviewer is the mentor of an author of the paper or the manager of a research project in which the author is a research assistant or the head of department in which the author is an associate (assistant, associate, etc.);
5. The author of the paper is the spouse or a relative in the vertical line, relative in the collateral line to the fourth degree or in-laws to the second degree, or is one of the following: guardian, ward, adoptive parent, adopted child, foster parent, foster child of the reviewer.
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