

University of Palermo - PhD programme

LEGAL PLURALISM. ANCIENT AND CONTEMPORARY PERSPECTIVES

Programme document Cycle 41

(approved by the Academic Board on 4 June 2025).

I. Key features of the programme and developments since its establishment

1. The PhD programme in “Legal Pluralism. Ancient and Current Perspectives” (Plu.Gi.) was established in 2013 to develop the experiences of previous PhD programmes in the Department of Law, adapting them to the transformations of law in the contemporary world. The entire training and research project (in line with the general framework of the University's Strategic Plan: in particular, 1.1; 1.5; 2.1; 4.1 - DC1) is focused on the objective of providing both in-depth knowledge and up-to-date tools for guidance and critical reflection in relation to the phenomena of growing interaction between different legal systems. Specific attention is paid to the related consequences in terms of the production, interpretation and application of law, but also to the hybridisation of legal models from different traditions.

2. In this context, legal scholars must address new challenges, such as - to mention just a few of the most relevant - the impact on legal regulation requirements of contemporary global phenomena such as climate change, the energy transition, the transformation of information and telecommunications systems and the applications of artificial intelligence, as well as the regulation of new forms of public-private cooperation, the emergence of new legal entities claiming protection, and the consideration of modern tools for the communication and dissemination of law.

3. To this end, an integrated approach to the legal phenomenon has proved necessary, drawing on a wide range of disciplinary knowledge and diverse specialist contributions and divided into two curricula, one historical and public law-based, the other private law-based. Without ever neglecting the interdisciplinary nature of specific issues and their relationship with extralegal phenomena in the context, one curriculum explores in depth both the historical perspective, with particular attention to the Roman legal experience in its various public, private and historical aspects, also as a methodological tool to aid understanding of current phenomena, and the processes of progressive osmosis between inter- and supranational levels and those within the public law disciplines, with particular reference to constitutional, administrative, European and international law, criminal law and criminal procedure, also from a comparative perspective. The other curriculum focuses primarily on the interaction between private law systems, again on the basis of a careful historical and

comparative framework and with particular regard to the construction of a European contract law, as well as the impact of global law on public market regulation, business legal relations, company law and other forms of business organisation, crisis and insolvency law, industrial relations and consumer protection.

4. Central to the common cultural project of the course is training and research, which will be developed over the three-year cycle according to a schedule that provides for the acquisition of advanced skills in legal research, including methodological skills, as well as in-depth study of topics in which the perspective of legal pluralism enhances the understanding of certain macro-areas of concern. The three-year training programme is structured in a first common and introductory cycle of seminars on legal research methods and the study of the application of law. This is supplemented by an annual course of seminar modules dedicated to legal issues for which plurality (of legal systems, legal subjects and sources). The seminars require active participation by PhD students, who present papers and act as discussants on the topics covered in each module. In addition to the thematic course, in the second year, students have the opportunity to gain practical experience in solving real-life legal problems through a three- to six-month internship at a court, public body or company providing legal assistance. Finally, in the third year, the training of doctoral students is completed with a six-month research stay abroad. In addition, at the end of the three-year period and before admission to the final exam, doctoral students are required to present the main lines of their research in a discussion with their tutors, the faculty members and other doctoral students. Additional cross-disciplinary activities aimed at enhancing the skills of doctoral students are promoted and coordinated within the Doctoral School of the University of Palermo, which coordinates the activities of the University's 35 doctoral programmes.

5. The main career opportunities for graduates of the PhD programme include: academic research at universities and research institutions; ordinary and special magistrates, lawyers, notaries; representation and management in public administration; representation and management in international organisations; representation and management in banking and financial intermediation institutions; management structures for the administration of companies and enterprises; legal consultancy in companies and groups of companies, with particular regard to international negotiations; specialist consultancy on competition and market regulation.

6. The teaching staff has discussed and defined the educational objectives and the vision of the jurist that the PhD programme aims to train. The establishment of the advisory committee of experts and the discussion with its members, both on the basis of a preliminary questionnaire and a well-attended meeting, provided further valuable guidance on both the content and the organisational models for in-depth training and research. Among the topics

selected as being most open to interdisciplinarity and relevant to current issues in relation to the main career opportunities, the following are mentioned by way of example:

The system of sources of law between constitutional legality and European law and the relationship between the relevant methods of interpretation and the respective courts - Fundamental rights in the face of the digital revolution - The territorial organisation of public power - Criminal legality and pluralism of sources - Criminal protection of collective assets, with particular reference to the environment - Problems and current issues in international criminal law. - Primacy of European law and “dogmatic sovereignty” of national administrative law. - Administrative proceedings as techniques for resolving institutional pluralism. - Public accounting models and forms of public expenditure control. - Restorative, consensual and reward-based justice - Mandatory prosecution and future scenarios. - Generative artificial intelligence and the roles of individuals in criminal proceedings. - Prospects for European unification of contract law and the historical development of legal institutions. - Jurists, judges and legal pluralism: ancient rights and current perspectives. – Roman international law of war and peace. – Pluralism and particularism of legal sources between the Middle Ages and the modern age. – From pluralism of sources to state law. – Civil law in the prism of European legality. – Person, market and new technological challenges - People and groups in transition: from gender identity to migration. – Company law in times of crisis. – Capital and market competitiveness and corporate sustainability. – The state, businesses and markets in the era of digital transition and artificial intelligence. – Tax instruments for environmental protection in the new constitutional reform perspective. – The application of artificial intelligence in relations between the tax authorities and taxpayers.

7. In line with the above, the teaching staff has discussed and defined the programme of compulsory teaching activities, which have been divided into three groups of seminars spread throughout the year (see below II), with the possibility of additional optional seminars, always in line with the cultural project of the PhD programme.

8. Internationalisation plays a crucial role in the PLU.GI. course's training and research project, as it is an essential component of the pluralism of legal systems and their mutual intersections. For this reason, the mobility of doctoral students has always been particularly encouraged, with significant levels of participation by individual doctoral students, which has justified the increase to six months of the minimum period to be spent abroad at research institutions and centres of high scientific qualification. In addition, international collaborations with the Universities of Paris Pantheon (F), Malaga (SP) and Turku (FI) provide a solid basis for joint supervision and double degrees, while a recent agreement with the European Public Prosecutor's Office allows for the development of internships abroad. On the other hand, attention to international comparison is already a determining factor in the planning of seminars and is demonstrated by the qualified presence of numerous foreign

scholars in the teaching staff. Finally, in order to widely disseminate the PhD programme abroad, the relevant web page is bilingual (IT/EN).

II. Planning and organisation of research activities

1. The teaching staff plans and organises training and research activities in line with the cultural project of the PhD programme, encouraging interdisciplinary, multidisciplinary and transdisciplinary activities. For the 41st cycle, a detailed general programme is to be approved by the beginning of the academic year, consisting of compulsory seminars (equivalent to 60 ECTS credits) with the possibility of additional optional seminars to be approved during the year.

2. The compulsory seminars are divided into three groups of activities: a first introductory cycle, dedicated to “Methodology, tools, results and evaluation of legal research”, which is essentially methodological in nature, with reference to disciplinary areas selected on a rotating basis in the various sectors, and also focuses on illustrating the fundamental research tools available in the department's facilities and in the university library system, for a total of 12 credits. The annual cycle of compulsory seminars is divided into two groups, each consisting of five modules (30+30 credits, in the second of which PhD students are invited to choose at least three modules equal to 18 credits). All ten modules are part of an overall reflection on the theme “The law and judges. The interpretation of law in the dialogue between the courts and the plurality of sources”.. The following topics are of particular interest: the driving force of the Court of Justice in the process of European integration, especially through the preliminary ruling mechanism; the dialectic between the Constitutional Court and the Court of Justice in the progressive realisation of an *acquis communautaire*; the impact of recent constitutional case law on controversial issues in the various disciplinary areas of the course; the role and functions of ADR mechanisms. The overall theme and specific topics of the meetings are consistent with the educational objectives of the Course and with the research guidelines of the PhD programme set out in the regulations. All meetings will involve the participation of national and international scholars and experts, the coordination of faculty members of the Board and the active participation of PhD students on the Course, including through the presentation of scheduled papers.

3. Optional training and research activities are those compatible with the cultural and training project of the PhD programme and approved by the Teaching Board on the proposal of both internal and external members.

4. The teaching board and the coordinator, also through the active support of the tutors, encourage and stimulate the participation of doctoral students, including as speakers, in national and/or international conferences, workshops, winter and summer schools. Through the department's research office, doctoral students are also informed of calls, announcements and other opportunities for national and international research programmes, so that they can participate independently.

5. The coordinator, in agreement with the doctoral student's tutor, authorises the doctoral student's training and research activities abroad, ensuring that they are consistent with the doctoral student's individualised programme, both in terms of duration and host institution, within the overall framework of the doctoral research project.

6. The PhD programme allows and encourages PhD students to participate in additional teaching and tutoring activities, which are assessed by their respective tutors as compatible with the research activities carried out by the PhD student, with a maximum limit of 40 hours per year for additional teaching activities.

7. The PhD programme ensures that the research carried out by PhD students generates scientific products attributable to the PhD student and requires them, at the end of the year, to declare that they have uploaded their scientific products to the University's IRIS platform, in order to make them adequately accessible in compliance with intellectual property protection mechanisms.

III. Monitoring of PhD programme activities.

1. With reference to indicator AVA3 H.0.0.A - Percentage of students enrolled in the first year of PhD programmes who obtained their entry qualification at another university, in the five-year period from the 2019/2020 academic year to the 2023/2024 academic year, the doctoral programme recorded an indicator of 15.5%, well below both the national average (51.7%) and the macro-regional average (42.2). It is worth noting the peak reached in the 2020/2021 academic year, equal to 40%, but still lower than the national average (52.6%) and the macro-regional average (43.2%). This exception was perhaps due to the fact that in 2020/2021 many of the course's teaching activities were still being delivered remotely due to the COVID-19 pandemic. This may have encouraged students from other universities, including those

outside Sicily, to enrol on the course. Overall, the trend of the indicator over the five-year period is nevertheless improving, standing at 14.3% in the 2023/2024 academic year, higher than the 0% of the previous academic year and the 9.1% of the 2021/2022 academic year.

The indicator represents a weakness of the course, which is, however, due to several factors, including structural ones. Compared to the national benchmark, a negative factor is the geographical location of the course, which penalises its attractiveness compared to similar doctoral programmes offered by universities in central and northern Italy.

Even with respect to the macro-regional benchmark, the insularity of the programme is a critical factor in terms of expected performance, considering that the reference macro-region includes a rather heterogeneous group of universities, comprising not only the universities of Sicily and Sardinia, but also all the universities of central and southern Italy, excluding those in Rome.

Undoubtedly, the universities in central and southern Italy enjoy better overall territorial continuity than those located on the islands. Furthermore, it should not be overlooked that the very limited presence in Palermo of universities competing with the state university does not facilitate enrolment from different but neighbouring locations, as is the case in other large cities in the south (Naples, for example).

2. With reference to indicator AVA3 H.0.0.B - Percentage of PhD students who have spent at least three months abroad, it should be noted that in the academic year 2023/2024, this indicator is 75%, which is well above the national average (35.3%) and the macro-regional average (39.8). In the five-year reference period, the indicator has consistently remained well above the national and macro-regional averages. In the 2019/2020 academic year, it was 71.4%, compared to a national average of 36.2% and a macro-regional average of 30.6%; in the 2021/2022 academic year, it reached 66.7%, compared to a national average of 38.2% and a macro-regional average of 40.3%); in the 2022/2023 academic year, however, the indicator was 50%, compared to a national benchmark of 27.1% and a macro-regional benchmark of 29%. Only in the academic year 2020/2021, due to the pandemic, did the indicator record a significantly lower value than in other years, falling to 20% and below the national benchmark (36.3%) and macro-regional benchmark (36.3%).

Overall, the indicator is a strength of the doctoral programme.

3. With reference to indicator AVA3 H.0.0.C - Percentage of scholarships funded by external bodies, it should be noted that, in the five-year period 2018/2019 - 2022/2024, the values for the course were below the national and macro-regional average. In particular, the number of scholarships funded by external bodies was zero for the academic years from 2018-2019 to 2021-2022. However, this figure should be viewed in the context of the broader trend for the University's doctoral programmes, which all report the same percentage of zero external

scholarships funded in the same period and is consistent with the macro-regional figure (zero for the academic years 2018/2019 and 2019/2020).

It should be noted, however, that the trend reversed in the 2022/2023 academic year, with 44.4% of scholarships funded by external bodies compared to the total percentage of scholarships for the programme (compared to a national average of 61.6% and a macro-regional average of 64.4%). More specifically, for cycle XXXVII, out of a total of 12 scholarships, 6 were funded by external bodies (3 PON scholarships, one regional scholarship, one PNRR scholarship); for cycle XXXVIII, out of a total of 11 scholarships, 4 were funded by external bodies (1 regional scholarship, 1 “dare” project, 2 PNRR scholarships); for cycle XXXIX, out of a total of 8 grants, 6 are funded by external bodies (mainly PNRR grants); for cycle XL, out of a total of 6 grants, 4 are funded by the University, 1 grant is regional, and 1 position is “without grant”. The recent decline in external funding is entirely understandable given the physiological elimination of resources from the PNRR.

4. Percentage of PhD students who have spent at least six months of their training in public or private institutions other than the PhD programme location, including months spent abroad: for 2019, the figure is 57.1%, which is well above the national average (19.9%) and the macro-regional average (15.9%); for the calendar year 2020, the figure is 0, compared to the national average of 22.6% and the macro-regional average of 24.7%; for 2021, the figure is 33.3%, higher than the national average of 25.6% and the macro-regional average of 26.8%; for 2022, the figure is 0%; in 2023, the indicator rose to 25%, equal to the national benchmark and higher than the macro-regional benchmark of 24.1%.

Overall, therefore, the trend remains fluctuating. In 2019 and 2021, national and macro-regional values were exceeded. In 2020 and 2022, however, the value was largely insufficient.

5. With reference to indicator AVA3 H.0.0.E - Ratio between the number of research products generated by PhD graduates in the last three cycles completed and the number of PhD graduates in the last three cycles completed (five-year period 2018 - 2023), the indicator - derived from the ratio between the number of research products generated by PhD graduates (numerator) and the number of PhD graduates who completed their PhD in 2024 (denominator) - stands at 3.5 for the year 2024. In 2023, the indicator was 2.5 compared to a national indicator of 5.1 and a macro-regional indicator of 5.2.

It is also interesting to compare the data obtained from the Report between the number of research products generated by PhD graduates in the last three cycles completed and the number of PhD graduates in the last three cycles completed (five-year period 2018-2023). The indicator stood at 1.3 in 2019, 0 in 2020 and 2021, 6.5 in 2022 and 2.5 in 2023, compared to a national indicator of 5.1 and a macro-regional indicator of 5.2.

The indicator therefore represents a critical point. In this regard, however, it should be noted that the comparison with the results relating to the publications of other doctoral programmes is affected by the peculiarity of the doctoral programme in question, which does not belong to the field of the so-called “hard sciences” in which experimental activities are carried out and, often, the research products are the result of collaboration between several authors.

Furthermore, it appears that sometimes the data relating to publications are not correctly and promptly uploaded to the IRIS platform, so that they cannot be taken into account for the purposes of determining the indicator in question.

Nevertheless, over the five-year period, there has been a growth trend, albeit with results still below the national and macro-regional averages, which calls for further commitment on this front.

However, it should be noted that with regard to the ratio between the number of research outputs generated by PhD students in the last three cycles and the number of PhD students, the data are as follows. For the 37th cycle, the ratio is 0, for the 38th cycle it is 2, and for the 39th cycle it is 1.1. This is therefore a fluctuating figure, which tends to be in line with the average values recorded for other PhD programmes.

6. With regard to the indicator “Existence of a system for gathering the opinions of PhD students”, it should be noted that this was introduced by the University in the 2023/24 academic year. The opinions of doctoral students are made available for consultation by the coordinator through a specific back-office application. These opinions are used to update the organisation of the PhD programme, with particular reference to the critical issues reported by doctoral students.

The surveys on the opinions of doctoral students on the Legal Pluralism programme. Ancient and Current Perspectives show an evolving picture, with general appreciation of the structure of the PhD programme, but also with some critical issues that have emerged more clearly over time.

In the initial phase, the data collected was limited to a single questionnaire (XXXVIII Cycle - 1st year), which made the results unrepresentative. However, even then, some strengths were evident, such as the effective organisation of the programme, the careful management of research funds and the possibility of taking advantage of international mobility opportunities. At the same time, some critical issues emerged, including the absence of interdisciplinary and entrepreneurial modules, the lack of dedicated workspaces and poor interaction with the external academic and business worlds.

With the increase in the number of responses in subsequent surveys (Cycle XXXVIII - 2nd year and Cycle XXXIX - 1st year), the analysis became more detailed, confirming the solidity of the doctoral programme structure and the value of the training activities, which are clearly

distinct from university courses. Compared to the initial phase, a more articulated perception of the assessment system emerged, mainly focused on the presentation of individual results. The assessment of international mobility was also positive, with many students having already taken advantage of or intending to take advantage of the increase in the scholarship for study abroad. However, obstacles were reported in relation to the difficulty of finding host institutions and bureaucratic issues in the management of funding.

Alongside these considerations, new issues emerged, mainly of an administrative and logistical nature. Some doctoral students encountered difficulties in accessing research funds and a lack of clarity in bureaucratic procedures. The issue of study space has remained a pressing problem: although some students reported having adequate workstations, many others complained about the total lack of suitable work environments. Involvement in the planning of training activities also elicited mixed opinions, with some doctoral students feeling part of the decision-making process and others wanting greater opportunities for participation.

In the latest survey, which also involved PhD students from the 39th cycle, the general opinions remained largely unchanged, but with greater attention to critical details. The need for clearer administrative management was reported more insistently, especially with regard to funding and bureaucratic deadlines. The quality of research facilities and equipment was also identified as an area for improvement, with particular reference to IT equipment and library services. As regards teaching, the overall assessment remained positive, but there was a request for greater flexibility in the choice of training activities in order to better adapt them to individual needs.

Overall, the doctoral programme remains solid and highly regarded, but there is room for improvement, particularly in administrative management, the organisation of spaces and the expansion of the educational offering. However, measures have already been taken to address these shortcomings: the Teaching Board has strengthened its support, both to facilitate mobility and to ease access to funding, with more active involvement on the part of tutors.

The increase in the number of respondents has provided a clearer and more detailed picture, highlighting both the critical issues and the potential for development of the programme. The fact that doctoral students have expressed their needs in a more informed manner demonstrates their growing participation in the improvement of the doctoral programme, which is a positive sign for the future of the programme and its ability to adapt to the needs of its students.