

OPINION

**by Prof. DSc. Malina Nikolova Novkirishka-Stoyanova,
Lecturer in Roman Law at the Faculty of Law of Sofia University "St. Kliment
Ohridski"**

Concerning: Competition for acquiring of the academic position of "Associate Professor" in Sofia University "St. Kliment Ohridski" in the field of higher education 3. Social, economic and legal sciences, professional field 3.6 Law, scientific specialty "General Theory of Law", announced in the State Gazette, issue 57 of 26.06.2020

I. Details of the procedure

The competition for the academic position of "Associate Professor" in the field of higher education 3. Economic, social and legal sciences, professional field 3.6. Law, scientific specialty "General Theory of Law" was announced for the needs of the Department of "Theory and History of State and Law" of the Faculty of Law (SF) at Sofia University "St. Kliment Ohridski" (Sofia University), as the announcement was published in SG, issue 57 of June 26, 2020. The members of the scientific jury are determined by Order № RD 38-254 / 06.07.2020 of the Rector of Sofia University "St. Kliment Ohridski".

The only candidate in the procedure for holding the academic position is Ch. Assistant Professor Dr. Simeon Efimov Groysman.

At the meeting of the scientific jury held on 08.09.2020 an analysis was made in connection with the minimum required points by groups of indicators for the various scientific degrees and academic positions, prescribed in the Regulation for the

application of the Development of the academic staff in the Republic of Bulgaria act and it was found that the candidate fully meets these criteria and is allowed to participate in the competition for the position of "Associate Professor" of 3.6 Law (General Theory of Law). At the same meeting, I was appointed to prepare an opinion on the competition procedure and the candidate participating in it.

II. Data about the candidate and his teaching activity

Ch. Assistant Professor Dr. Simeon Efimov Groysman graduated from the Faculty of Law in Sofia University in 2011 with specializations in "Justice", "Public Administration" and "International Law and International Relations". In the same faculty from October 2012 to the present he has worked as an assistant (until October 2016) and chief assistant in General Theory of Law. In the period from December 2015 to September 2016 he was a doctoral student at Department of "Theory and History of State and Law" in the Law Faculty of Sofia University. He defended his doctoral dissertation on "Morality and legal validity according to contemporary legal positivism" in 2016.

The main scientific interests of Ch. Assistant Professor Dr. Simeon Groysman are in the field of General Theory of Law, Philosophy of Law, General Theory of the State, Political and Legal Doctrines, Human Rights.

The scientific and teaching career of the candidate has been developed mainly at Sofia University since 2012 until now. He conducts seminars and lectures on General Theory of Law and other disciplines before the students from the courses of "Law", "International Relations" and other specialties at Sofia University, as well as at the Academy of the Ministry of Interior (from October 2018 until now). In September 2017 he was an intern in the Department of Theory of State and Law and Political Science at the Faculty of Law of Moscow State University. In the period from June 2016 to May 2020, working as Scientific Secretary of the Faculty of Law at Sofia University, he

showed exceptional precision, efficiency and collegiality in organizing this activity at the faculty.

Since 2013 he has been a lawyer registered with the Sofia Bar Association. He has also worked as a legal consultant, a lecturer on the implementation of EU regulations, etc. He speaks English and Russian, uses German and Italian.

He has many years of experience as a lecturer and as a established researcher in the field of legal theory. He has participated in numerous scientific conferences and seminars, many of which he was a member of the organizational teams and compiler of volumes of reports and articles from them.

III. Scientific activity of the candidate

To participate in the competition, the candidate has submitted for review a monograph entitled "Law and Power. From the Unlimited State to the Postmodern Supremacy of Rights", published by Ciela, Sofia, 2020, 444 pp., as well as 10 articles published in peer-reviewed scientific journals and journals.

It must first be analyzed **the monographic work “Law and Power. From the unlimited state to the postmodern rule of law. ” S., Ciela, 2020. 444 p.** with an impressive bibliography in Bulgarian, Russian, English and German. The book present the main problems related to the concepts of law and power – from the terminology and historical evolution of these concepts to the disclosure of their essence according to various theories in legal science and in connection to the concepts of sovereignty, the Basic Norm, subjective rights, the legal order, etc. The author himself defines his research as dedicated to the concepts of law and power through the prism of the general theory of law, but also placed in the context of some philosophical trends defined in the subtitle of the book – "from the unlimited state to the postmodern supremacy of rights". These concepts are placed both in historical context and within the issues of the philosophy of law and especially in their modern development.

The monograph has the traditional structure of an Introduction, seven sections and Concluding Notes. In fact, it is divided into three major parts - conceptual and methodological (sections I and II), historical and comparative (sections III-VI) and dogmatic (section VII).

In the introduction, in addition to the argumentation of the personal interest in the topic and the formulation of a "Pro-Kelsenian" (as defined by the author) legal theory on the topic, an overview is made to the individual sections. Particularly useful for the overall perception of the work (and undoubtedly a creative individual approach) is the inclusion of a summary of the context in which the research is made and the reference to the main concepts and writers who are "hidden interlocutors" of the author.

In the first two sections the author considers the main legal concepts used in the text – fact, norm, law, legal norm and legal principle, subjective right, legal obligation, etc., outlined the methodological approaches to them (and with special attention to the legal method) and the place of research in the general theory of law. A comparison and correlation of the general theory and philosophy of law is made in the context of the considered issues, which is of fundamental importance. In this regard is particularly important the author's conclusion that power in a legal context should be considered as a universal social phenomenon, and not only through the usual prisms of state power and the separation of powers. It is interesting to think about power and coercion, the concept of legality, etc., based on an in-depth analysis of existing concepts.

Of special interest to me are those parts of the book included in its historical-comparative part and in particular the analysis of the relationship between potestas and auctoritas, which reveals an in-depth knowledge of the Latin genesis of the terms, but interpreted in the context of their historical development and as the basis of different concepts from Roman law. It is also worth noting the extensive research on the historical epochs of law (Section IV), sovereignty and law (Section V) and especially on

Kelsen's theory of the Basic norm (Section VI), emphasizing the scientific integrity and precision in comments and the careful and reasoned exposing the author's own position.

The main focus of the research, in my opinion, is in section VII of the monograph, presenting the main views of the author on the construction of a positivist theory on the relationship between law and power. It is in this section a combination of theoretical and philosophical knowledge reaches significant conclusions related to the modern development of law as a limiter of power, the influence of power on subjective rights in both private and public law, the functions of legal order and the role of the courts for control over the authorities. It is in this section that the significant scientific contributions of the author in the considered subject are contained.

The concluding remarks in fact present the summaries reached on the relationship between power and law, on the specific practical dimensions of limited or unlimited power and the expectations for its intervention in social relations, on legitimacy and coercion in law.

The author's scientific contributions can be outlined, beyond the specific conclusions, proposals and theoretical constructions, in the creation of an integral, balanced, well-argued and written in brilliant legal language research on the theory of law, which sets very high criteria for his future research.

Ten publications in refereed scientific collections and journals are presented in the competition. For most of them I have immediate impressions as editor-in-chief of the journal IUS ROMANUM and a participant in the same scientific forums. I am especially impressed by the scientific depth of the candidate, as well as by his systematic and consistent work on a given issue, in which he puts special diligence and strives for maximum knowledge and exhaustion of the discussion problems, giving extensive arguments of various authors, with knowledge of world-class literature and skillful use of his perfect language training. I would also like to note his remarkable interest in Roman jurisprudence, as some of his works reveal particularly interesting

observations and ideas about the continuity of law from ancient Rome to the present day. In this regard, I would like to emphasize his conclusions in the article "Republican Legitimacy and Extraordinary Power: Reflections on the Machiavellian Reading of the Roman Dictatorship", published in *Ius Romanum*, *Iuventutes* 2017, pp. 1-12 and the study "The Omnipresent Administration", *Ius Romanum* 1/2018, pp. 548-591.

The other articles and studies presented for the competition show the depth of a young scientist who does not worry to challenge "big topics", skillfully and delicately argues with authoritative world scientists, contributes to some details of already established concepts or proposals to give them a new contemporary reading.

The teaching, scientific, but also practical work of the candidate gives him the opportunity to have an overview of the law as a limiter of power, including to express opinions that would be very useful both scientifically and politically, if they are well analyzed. In this aspect, two of the articles are particularly significant: "Legal principles as purposive legal standards [In Bulgarian]" - In: *Scientific Readings on Legal norms and Legal Principles*", ed. Pl. Panayotov, D. Valchev, Kr. Manov, S. Groysman, Sofia, "St. Kl. Ohridski" Publishing House, 2017, pp. 333-349 and "Law and Power: Dialectics of Boundary [In Bulgarian]" - In: *Law and Boundaries*, ed. D. Valchev and S. Groysman, Sofia, "St. Cl. Ohridski" Publishing house, 2018, pp. 163-186.

Given the participation of Ch. Assistant Professor Dr. Simeon Groysman in the scientific conferences organized by The Department of Theory and History of Law and the Department of Penal Law Sciences several of his interdisciplinary studies, in which the theory of law is skillfully intertwined with the penal theme, are of particular interest: "Criminal law as protection of values [In Bulgarian]" – In: *Scientific readings in memory of Venelin Ganev and Nikola Dolapchiev*, Eds. Pl. Panayotov, D. Valchev, S. Groysman, Kr. Manov, Sofia, "St. Cl. Ohridski" Publishing house, 2017, pp. 292-312; "The power to punish and the power to educate [In Bulgarian]" – In: *Contemporary challenges to criminal law*, eds. Pl. Panayotov, G. Mitov, N. Kuzmanova, Sofia, "St. Cl.

Ohridski” Publishing House, pp. 275-290; and “9. On the symbolic power of the Bulgarian criminal law [In Bulgarian]” – In: Scientific readings on the topic "Sanctions in law", eds. Pl. Panayotov, D. Valchev, Kr. Manov, S. Groysman, Sofia, "St. Kl. Ohridski" Publishing House, 2019, pp. 403-417.

The articles and studies submitted for review, which are only part of his publications (another monograph – publication of his doctoral dissertation and a total of 29 studies and articles and 4 scientific papers, which is a special merit for a young scientist!), Represent his broad scientific interests in field of law. They are dedicated to topics that go beyond the specific and generally accepted framework of the theory of law and often border on the philosophy of law. They are remarkable for their broad scientific competence and depth of the author, as well as a wonderful international appearance with his articles "Sovereignty of Law and the Legal State: A Contemporary Point of View on the Theory of Hugo Krabbe - In: Rule of Law at the Beginnings of the Twenty-First Century, ed. M. Belov, Eleven International Publishing, 2018, pp. 45-68; Legal Realism versus Legal Ideology: On Explanatory Models of Judicial Activism - In: The Role of Courts in Contemporary Legal Orders, ed. M. Belov, Eleven International Publishing, 2019, pp. 139-152 and 11. Law and Power: On the idea of V. S. Nersesyants of power theories of law [In Russian] - In: Jurisprudence in the modern world: Russia and Bulgaria, Moscow, Prospect, 2020, pp. 266 - 282. Written in a perfect foreign languages, they clearly show the author's own scientific style and research approach and are an authoritative manifestation of a young Bulgarian scientist among the legal community abroad.

I must note that Ch. Assistant Professor Dr. Simeon Groysman is actively involved in all scientific forums of his Department and together with other departments, giving significant support for their organization, coordination of participants, compilation of volumes of scientific papers and their publication. He has repeatedly assisted me in conducting various initiatives in Roman law and we have had many

fruitful talks on novelistic and contemporary topics on the issues of interest to him. He has a special spirit of academicism, dedication to teaching and research, responsiveness and collegiality in relations at the faculty.

IV. Conclusion

The candidate in the tender procedure Ch. Assistant Professor Dr. Simeon Efimov Groysman meets all the requirements provided in Art. 24 of the Development of the academic staff in the Republic of Bulgaria act, for holding the academic position "associate professor". In view of the above, I express my **positive evaluation** and **recommend** of the Scientific Jury to propose to the Faculty Council of the Faculty of Law at Sofia University "St. Kliment Ohridski" **Ch. Assistant Professor Dr. Simeon Efimov Groysman to be elected to the academic position of "Associate Professor" in the field of higher education 3. Economic, social and legal sciences, professional field 3.6. Law, scientific specialty "General Theory of Law"**.

Member of the scientific jury:

(Prof. DSc. Malina Nikolova Novkirishka-Stoyanova)

Sofia

08.10.2020 г.