

## **OPINION**

**BY Dr. Hristo Yordanov Paunov - Associate Professor at the Faculty of Law of "Paisiy Hilendarski" University of Plovdiv**

**ON the materials submitted for participation in the competition for the academic position of "Associate Professor" at the Faculty of Law of Sofia University "St. Kliment Ohridski" in the field of higher education 3. Social, economic and legal sciences, professional field 3.6 Law (General theory of law)**

In the competition for "Associate Professor", for the needs of the Faculty of Law, announced in the State Gazette, issue 57 of 26.06.2020, as the only candidate is Simeon Efimov Groysman.

### **1. General description of the procedure**

According to Order № RD-38-254 / 06.07.2020 of the Rector of the Sofia University "St. Kliment Ohridski" I have been appointed a member of the scientific jury of a competition for the academic position of "Associate Professor" at Sofia University in the field of higher education 3. Social, economic and legal sciences, professional field 3.6 Law (General Theory of Law), announced for the needs of the Faculty of Law.

The only candidate who submitted documents for participation in the announced competition is Chief Assistant Professor Dr. Simeon Efimov Groysman from the Faculty of Law of Sofia University "St. Kliment Ohridski".

The set of documents presented by Ch. Assistant Professor Dr. Simeon Efimov Groysman is in accordance with the Regulations on the terms and conditions for acquiring scientific degrees and holding academic positions at Sofia University "St. Kliment Ohridski". At its first meeting, held on 08.09.2020, the scientific jury decided that Ch. Assistant Professor Dr. Simeon Efimov Groysman covers the minimum required points by groups of indicators regulated in the Regulation for the development of the academic staff in the Republic of Bulgaria and on this basis is allowed to participate in the competition for the academic position of "Associate Professor" in the professional field 3.6 Law (General Theory of Law).

## **2. Brief information about the candidate**

Simeon Efimov Groysman was born on October 9, 1987. He completed his secondary education at the Geo Milev High School in Dobrich in 2006. He graduated from the Faculty of Law of the Sofia University in 2011 with a degree in Law with specializations in "Justice", "Public Administration" and "International Law and International Relations".

Simeon Groysman was a doctoral student in General Theory of Law at the Faculty of Law of Sofia University "St. Kliment Ohridski" and acquired the educational and scientific degree of "Doctor of Law" in 2016. He is currently a Chief Assistant Professor at the Law Faculty of Sofia University "St. Kliment Ohridski" and at the Academy of the Ministry of Interior. He is registered as a lawyer in the Sofia Bar Association.

As can be seen from the presented biography, the teaching and scientific activity of Ch. Assistant Professor Dr. Simeon Efimov Groysman are in the field of General Theory of Law, Philosophy of Law, General Doctrine of the State. He has a social activity related to his professional orientation and his scientific-teaching activity. The candidate has extensive experience in teaching, which is a prerequisite and guarantee for the good quality of practical and theoretical classes with students.

Ch. Assistant Professor Dr. Simeon Groysman is an established lecturer, distinguished by his high academicism, professionalism and erudition. During the years he worked at the Faculty of Law at Sofia University, he trained and educated generations of young lawyers, introducing them to the intricacies of the legal field, which is a contribution especially in the field of legal education and preservation of the good educational traditions.

## **3. General characteristics of the habilitation work of the candidate**

The habilitation work, which Ch. Assistant Professor Dr. Simeon Groysman has presented for participation in the competition, is entitled "Law and Power" and subtitled "From the unlimited state to the postmodern supremacy of rights" (Sofia, Ciela Norma AD, 2020, ISBN 978-954-28-3131-7). In terms of its volume, subject matter and in view of the presence of a scientific editor (Assoc. Prof. Dr. Martin Belov), the work corresponds to the formal requirements for the scientific genre "monograph", regulated in § 1, item 10 of the additional provisions of Development of the academic staff in the Republic of Bulgaria act.

The presented monographic work consists of an introduction, seven sections, a conclusion and a bibliography. The book examines the relationship "law-power" on the plane of the conceptual analysis of the general theory of law, the philosophical problems of limiting power

through law and the connected development of legal ideas. The author points out that the main idea of the book is to formulate a "prokelsenian" legal theory on the question of the relationship between law and power, placed on the border between the general theory of law and legal philosophy.

The first section of the monograph, entitled "Methodological basis of the study" presents the main legal concepts used in the book. The author distinguishes between the scientific fields of general theory of law and the philosophy of law as sciences. He outlines the basic legal concepts and the power issues arising in connection with them. A separate paragraph (§ 4.) is dedicated the juristic method as the main method for legal positivism.

"Law and Power - Conceptual Foundations of the Problem" is the title of the second Section of the monograph. The section examines the question of what power is as a social and normative phenomenon, distinguishes the types of power with an emphasis on factual and normative authorities. The author thoroughly studies and analyzes basic constructions such as "law and legality", "law as a power order", "coercion as a definite feature of the power concept of law" and others.

In third section of the monograph, entitled "Potestas et Auctoritas", Dr. Groysman discusses a basic distinction between these two notions of power ("potestas" - political power capable of enforcing decisions by coercion and force, and "auctoritas" - moral authority, based on the recognition or prestige of a person) in Western European culture. Its historical origins, modern linguistic dimensions and difficult translatability are commented in detail. Here the language knowledge and competencies of the author are especially emphasized.

I conclude that the presented monograph is consistent with its purpose and outlines the role of constitutional justice in the field of protection of fundamental rights - in this sense, the habilitation work of Dr. Simeon Groysman contains a number of scientific achievements. The elaborations of the separate sections are characterized by versatility, in-depth presentations and analyzes and scientific integrity.

The completeness and broad framework in which the problems are studied is a contribution to the General Theory of Law and a favorable cognitive environment for students.

The conclusions contained, made by the author, represent a contribution to science with a high degree of knowledge. The habilitation work is characterized by good legal language; it is written concisely and with erudition; the content of the individual sections testifies to in-depth knowledge, to scientific and legal thinking, to the author's ability to analyze the research subject and to synthesize conclusions and recommendations with insight and analysis of scientific

problems. The habilitation work of Dr. Simeon Groysman is a scientific study of a fundamental character for the General Theory of Law; the research made is on a broad basis, done with skill and erudition.

#### **4. Other publications of the applicant submitted for analysis**

Apart from the habilitation work "Law and Power. From the Unlimited State to the Postmodern Supremacy of Rights" (Sofia, Ciela Norma AD, 2020, ISBN 978-954-28-3131-7), Dr. Simeon Groysman participated in the competition with 11 publications. They are published in periodical legal journals and collections, namely: **"Republican Legality and Emergency Power: Reflections on the Machiavellian Reading of the Roman Dictatorship"** [In Bulgarian], *Ius Romanum*, luventutes 2017, pp. 1-12.; **"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; **"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.; **"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; **"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.; **"The Omnipresent Administration"** [In Bulgarian], *Ius Romanum*, 1/2018, pp. 548-591.; **"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; **"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.; **"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; **"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.

Dr. Simeon Groysman's publications develop questions and legal constructions relevant to the main topics of the theory of law and the philosophy of law. As a general feature of the publications of Dr. Groysman, submitted for participation in the competition, I note that the

developed topics are especially important for the nature of the state and law. They have been studied in depth, in many ways, with knowledge not only of the traditions of the theory, but also of the practice of other countries, with the scientific precision and in detail characteristic of the author. These publications spread knowledge and culture. The candidate participates with publications that, in addition to Bulgarian, are written in English and Russian - a fact that highlights the language competencies and skills of Dr. Groysman.

Here should be noted another positive fact related to the publications of the candidate. He has been quoted many times by a number of authors in Bulgarian and foreign publications. From the point of view of scientometric indicators, he participates in the competition with three times more citations than the minimum necessary. This once again shows the importance of the scientific production of the candidate.

## **5. Notes and recommendations**

The habilitation work contains a significant amount of historical facts related to the issues presented in some of the sections, which in certain parts of the work could be slightly reduced, given the fact that the study focuses on systematization and analysis in general theoretical aspect of law and power - from the unlimited state to the postmodern supremacy of rights.

Regarding the conclusions made in the monograph, it can be pointed out that some of them are well argued, but for others more legal argumentation could be added.

One note of a technical nature - some of the footnotes are not formatted according to bibliographic citation standards.

The mentioned notes and recommendations cannot change the conclusion that the candidate Ch. Assistant Professor Dr. Simeon Efimov Groysman has sufficient scientific and teaching qualities to acquire the academic position.

## **6. Conclusion**

The documents and materials submitted by Chief Assistant Professor Dr. Simeon Efimov Groysman meet the requirements of the Development of the Academic Staff in the Republic of Bulgaria Act, the Regulation for implementation of the same act and the Regulation on the terms and conditions for acquiring scientific degrees and holding academic positions at Sofia University. The candidate in the competition has submitted a sufficient number of scientific papers published after the materials used for his PhD defense. There are scientific and applied contributions in the works of the candidate, which have received recognition, as a representative

part of them have been published in journals, scientific collections and independent publications. His theoretical developments have applicability, as some of them are directly oriented to the educational work. The scientific and teaching qualification of Chief Assistant Professor Dr. Simeon Groysman is undoubted. The results achieved by him in the teaching and research activities correspond to the specific requirements of the Faculty of Law, adopted in connection with the Regulations of Sofia University for application of the the Development of the Academic Staff in the Republic of Bulgaria Act.

After getting acquainted with the materials and scientific works presented in the competition, analyzing their significance and their scientific, scientific-applied and applied contributions, I find it reasonable to give my positive assessment and recommend to the Scientific Jury to prepare a report-proposal to the Faculty Council of the Faculty of Law for election of Chief Assistant Professor Dr. Simeon Efimov Groysman for the academic position of "Associate Professor" at Sofia University "St. Kliment Ohridski" in the professional field 3.6 Law (General Theory of Law).

Author of the opinion: .....

(Assoc. Prof. Dr. Hristo Paunov)

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Plovdiv