

**TO
THE SCIENTIFIC JURY APPROVED BY
ORDER № RD– 38-57/24.01.22 OF THE
RECTOR OF SOFIA UNIVERSITY “ST.
KLIMENT OHRIDSKI” FOR THE
DEFENSE OF THE HABILITATION
WORK OF KRASIMIR NIKOLOV
MANOV**

R E V E W

by Prof. D. Sc. Boris Vladimirov Velchev, Sofia University "St. Kliment Ohridski", Faculty of Law, Department of Criminal Law, on the habilitation work of Chief Assistant Professor Dr. Krasimir Manov, Sofia University "St. Kliment Ohridski" on the topic “Criminal psychological impact” for the academic position "Associate Professor" in the professional field 3.6. Law /Criminal Law/

I’ve known Ch. Asst. Prof. Dr. Manov for many years now. I can confidently say that he is among the colleagues who have earned their authority in the community of criminal law professionals, and I am sure that he is loved and respected by his students. His doctoral dissertation was defended at a time when by accident I was writing on the same topic. I gave up my almost finished book. After all, my colleague Manov had written his work in such a way that my efforts to add something on the topic became unnecessary.

In the meantime, I was following his other publications, which have demonstrated two things: his diverse legal interests and his deep legal knowledge.

Krasimir Manov has long been ready to be associate professor in Criminal Law. Now he has fulfilled the formal requirements by presenting a habilitation

thesis, which not only meets these requirements, but in my deep conviction exceeds them.

It seems to me that the habilitation of Dr. Manov will improve the teaching of Criminal Law at Sofia University.

Krasimir Manov has been teaching Criminal Law for twenty years. He became a full-time assistant professor about two years after graduating, and since 2009 he has been a chief assistant professor. He earned his doctorate in law from Sofia University in 2014. He successfully combines his teaching and research activities with his work as a mediator and lawyer. His PhD dissertation on the protection of cultural and historical heritage has been published and is of considerable scientific interest, judging by the number of citations. The same can be said about his published articles - 18 in total. They have been cited about 30 times, which is proof of the scientific authority of their author.

Dr. Krasimir Manov conducts lectures and exercises in both courses in Criminal Law at Sofia University. He also lectures pedagogy students. He has participated in the training of magistrates and police officers.

From the submitted reference for fulfillment of the minimum national requirements under Art. 2b of Development of Academic Staff in the Republic of Bulgaria Act it is clear that Dr. Manov exceeds the required minimum and collects 395 points.

Dr. Manov participated in the competition for Associate Professor with a monograph and five articles published in scientific journals and collections of reports. The presented monograph will be the subject of a separate analysis, so here I will briefly comment on the articles.

The first thing that makes an impression is the wide range of scientific interests of Dr. Manov. They concern not only problems of both the general and the special part of criminal law, but also of the philosophy of criminal law and criminal policy.

In the article “Preaching as Actus Reus of Crimes Under the Bulgarian Criminal Code.” /Scholarly Readings: Law and Religion. Sofia, “St. Kliment Ohridski”, 2021, 360-371/ the author explores a specific form of the actus reus of a number of crimes, namely the preaching, to which the criminal law gives a specific content, different from the generally accepted one, which Dr. Manov successfully connects with religious eloquence.

I highly appreciate the author's efforts to clarify this form of the *actus reus*, because I recognize the issues and I have made my own attempts to address them, while working on crimes against the Republic. His conclusions about the meaning of the term "preaching" are undoubtedly contributing.

The second article “Crime as Punishment and Punishment as a Crime. Some Thoughts on the Need for Alternative Means of Reaction Against Crimes” – /Scholarly Readings: Sanctions in Law. Sofia, University Press “St. Kliment Ohridski”, 2019, 391-402/ is part of the author's research on the criminal policy. In this article, he successfully shows his knowledge of mediation and makes meaningful suggestions on how to implement it in criminal matters.

Of particular interest to me was the article "Mental Impact in Bribery as Grounds for Exemption from Criminal Liability According to the Bulgarian Criminal Code" /"Topical issues of anti-corruption: the view of the scientist and practice": Materials of the International correspondence scientific-practical conference. Kazakh Humanities and Law Innovation University, 2018, pp. 23-26/ and the conclusions in it related to the provocation to bribe.

In the article “The Interdependence Between the Principles of Criminal Law and Principles of Penal Policy” /Scholarly Readings: Legal Norms and Legal Principles. Sofia, University Press “St. Kliment Ohridski”, 2017, 323-332/ the connection between the principles of criminal law and those of criminal policy is discussed. This article contains undoubted contributions, relevant not only to criminal law, but also to the philosophy of law.

In the last article “On the Indirect Perpetration Of Crime” /Scholarly Readings in memory of Venelin Ganev and Nikola Dolapchiev. Sofia, University Press “St. Kliment Ohridski”, 259-277/ one of the important fundamental issues of criminal law is considered, namely the theoretical possibility of application by analogy of the provisions of the General Part. My view differs from that of the author in some cases, but all in all this publication is probably the most significant of the articles presented.

Of course, the habilitation work „Criminal psychological impact“ is the focus of the review.

There are several things that I want to emphasize on before moving on to the analysis of the contributing parts of the work.

First of all is the choice of topic.

When discussing PhD dissertations in which the doctoral candidate has chosen a particularly interesting topic, the role of the principal scientist should be mentioned. In this particular case, the credit for this extremely interesting and contemporary topic goes only to Dr. Manov. His choice alludes to a scientific self-confidence that has been fully justified by the habilitation work.

Secondly, the structure of the work deserves to be mentioned.

The chosen structure of the habilitation thesis has allowed the author to develop his scientific theses. It has been carefully selected to allow a comprehensive examination of the idea of the impact of mental influence in criminal law. Despite the fact that some of the analyzed issues are directly related to psychological science, the work has retained its criminal law nature.

Thirdly, it is necessary to make a brief presentation of the work.

As I have already mentioned, the author has considered the issue of the mental impact in three ways - through the prism of some general concepts of the criminal law, through the prism of the relevant institutions of the General Part and finally - through the analysis of crimes whose offenses reflect such impact.

The first chapter is devoted to the relationships between some basic concepts of criminal law and mental impact. The relations of this impact with the object and the subject of the crime, the *actus reus* in its diversity and the consequences of the crime are considered. Finally, some aspects of restorative justice are considered, again minding the mental impact.

The second chapter examines some of the basic concepts of the General Part of Criminal Law in relation to the psychological impact on the perpetrator. In addition to the analysis of a number of issues related to the formation of guilt, complicity, indirect perpetration and certain circumstances precluding public danger, this chapter analyzes specific concepts such as the “insane victim“ and the circumstance under Art. 16a of Criminal Code.

The third chapter is related to the mental impact in its connection with the provisions of the Special Part of the Criminal Code. Various criteria have been outlined, allowing a new systematization on the basis of the mental impact and the content of many forms of *actus reus* related to the mental impact have been clarified.

The conclusion summarizes the purpose of the work and the contributions to it.

The language of the habilitation work should also be noted. Dr. Manov's writing is readable, polemical and understandable, without affecting the academic style of his work. I am convinced that “Criminal psychological impact” will be read not only by jurists but also by students.

Of course, the most important comment is on the contributions of the habilitation work.

I fully share what is stated in the report on the contributions. I will allow myself to single out some of them, and I will additionally present some others that remained outside the report of Dr. Manov.

The very existence of a text with this structure is a contribution to the study of criminal law. This approach is a proof of the already mentioned high and fully substantiated scientific self-confidence of Dr. Manov.

Both the classification of the types of mental impact and the clarified mechanisms of this impact, the described content of the hidden impact and impact through an omission are definitely contributing to the theory.

Dr. Manov's new view on the division of crimes into conduct crimes and result ones also is a meaningful contribution.

The author's analysis of the mechanisms of the formation of guilt in the presence of criminal psychological impact is particularly convincing and will undoubtedly enrich the theory.

I especially want to emphasize the contributory nature of Dr. Manov's opinions on indirect perpetration - a fact that I have already mentioned in connection with his relevant article.

The same can be said for the clarification of some specific acts – “incites”, “obviously incites”, “inclines”, “preaches”, “procures” and others, as well as for the analysis of deception and coercion as forms of criminal psychological impact.

It seems important to me to point out a few additional particularly original conclusions and contributions, not mentioned in Dr. Manov's report.

For example, on p. 18 Manov points out an important element of the mechanism of committing hooliganism, which in my opinion has not been commented on in the literature so far /also on p. 42/.

It is worth noting his opinion about the presence of hidden psychological impact in the hypotheses in which the perpetrator was armed /p. 23/.

The reasonings for psychological impact through an omission are extremely original /p. 28-33/.

The new understanding, based on the distinction between conduct crime and result one and conduct offense of crime and result one /p. 45-58/. The thesis

that there the crimes can not be defined as conduct one if there was a criminal impact is correct.

Of particular interest to me was the analysis of Dr. Manov for the types of victims of the crime under Art. 108a of Criminal Code /p. 62-64/.

I have already mentioned this when talking about the author's articles, but I would like to repeat here how meaningful a contribution is to clarify the concept of the "insane victim" /p. 89-93/. The same applies to the analysis of the indirect perpetration /p. 104-126/ and the substantiated criticism of Art. 16a of Criminal Code.

Dr. Manov's view of precharging and its completion is original and well defended /p. 157-165/, as well as his analysis of the concept of "procures" /p. 167-174/.

The author's opinion about the bribery, considered as a form of criminal psychological impact, is especially original /p. 176-180/, as well as his understanding of criminal transactions /p. 201-208/ and his analysis of the crimes causing fear and in particular - terrorism /p. 224-227/.

The list can be continued, but the above mentioned seem to me to be enough to determine my high assessment of the habilitation work of Dr. Manov.

In practice, I have no critical remarks on the work of Dr. Manov. I hope that one day he will continue his research and think about another aspect of it that could not be analyzed in this work - motivation through hypnosis to commit a crime.

I strongly recommend to the scientific jury to make a decision to propose the appointment of Ch. Asst. Prof. Dr. Krasimir Manov to the academic position of "Associate Professor" at the Criminal Law Department at the Faculty of Law of Sofia University.

Prof. D.Sc. Boris Velchev