

# OPINION

by Martin Kirilov Belov

Associate Professor at the Faculty of Law of Sofia University "St. Kl. Ohridski"

in a competition for the academic position of Associate Professor at Sofia University "St. Kliment Ohridski"

field of higher education 3. Social, Economic and Legal Sciences; professional field 3.6. Law (Constitutional Law)

## **1. Information about the competition**

The competition for the academic position of Associate Professor at Sofia University "St. Kliment Ohridski", announced in State Gazette No. 65 of 28.7.2023, is for the needs of the Faculty of Law of Sofia University "St. Kliment Ohridski" for the professional field 3.6. Law (Constitutional Law). I am a member of the scientific jury of the competition on the basis of Order No. RD - 38-485/08.08.2023. I have been commissioned to write an opinion.

## **2. Information about the candidates**

There is only one candidate in the competition. This is Senior Asst. Prof. Plamena Dimitrova Penova, PhD. Plamena Penova is a lecturer at the Faculty of Law of Sofia University. She is a Senior Asst. Prof. professor at the University of St. Kliment Ohridski. She holds a Master's degree in Law (2007) from the Sofia University "St. Kliment Ohridski". She holds a PhD degree. In 2013 she became a "Doctor of Law" of the Sofia University "St. Kliment Ohridski". The topic of her dissertation was "The Local self-government in the Bulgarian constitutional model after 1991". Penova, PhD works at the Faculty of Law of the Sofia University "St. Kliment Ohridski". She has been working at the Law School since 2015, when she was elected to the academic position of Senior Assistant Professor.

Plamena Penova is also a lecturer at the Academy of the Ministry of Interior. She has been working there since 2014, successively as a visiting assistant, assistant professor and senior assistant professor at the Department of Public Law of the Ministry of Interior.

### **3. Fulfilling the requirements for the academic position**

On the basis of the documents provided by the candidate in the competition, it can be concluded that Plamena Penova, PhD meets the existing legal requirements for holding the academic position of Associate Professor. She is holding the required Master's degree and Doctor's degree, the academic position of Senior Assistant Professor and has submitted a monographic work. The evidence presented by the candidate shows that the additional requirements of the University of St. Kliment Ohridski" are fulfilled. Specifically, the applicant scores the following points under the following indicators:

- Indicator A - 50 points;
- Indicator B - 100 points;
- Indicator D - 185 points;
- Indicator E - 90 points;
- 425 points in total.

### **4. Evaluation of teaching and learning activities**

Sen. Asst. Prof. Plamena Penova, PhD is a lecturer at the Department of Constitutional Law of the Faculty of Law of Sofia University. She is a senior assistant professor at the Faculty of Law of the University "St. Kliment Ohridski". She conducts lectures and exercises for students in "International Relations" and "Law" on the main disciplines of Constitutional Law. These are "Constitutional Law" and from 2023 also "Parliamentary Law". Plamena Penova also teaches at the Academy of the Ministry of the Interior.

The above mentioned data show that the candidate has the experience allowing her to hold the academic position of Associate Professor in 3.6. Law (Constitutional Law).

### **5. General characteristics of the submitted scientific papers/publications**

#### **5.1. Main directions and scientific and/or applied research results**

Plamena Penova, PhD participated in the competition with a monograph, 4 studies and 5 articles. The publications were developed in the period 2014- 2023. They are relevant for the competition. The scientific publications submitted for the competition meet the established standards in the Bulgarian scientific community. They contribute to the development of knowledge of Bulgarian constitutional law in areas of practical relevance. The publications are mainly in three directions. They concern local self-government (a topic on which Dr. Penova has been working since the time of her doctoral thesis), parliamentary law and the constitutional position of the government.

## **5.2. Assessment of the monograph ("The Council of Ministers in the Bulgarian Parliamentary Model")**

The habilitation thesis, presented by Sen. Asst. Prof. Plamena Penova, PhD for her participation in this competition for Associate Professor is entitled "The Council of Ministers in the Bulgarian Parliamentary Model". The habilitation thesis, published in 2023, is 556 pages long. The cited literature is mainly in Bulgarian. There are also citations in Russian and English.

The chosen topic is central and classical for constitutional law. It follows the institutionalist-positivist approach to constitutional phenomena, which is well established in the Bulgarian scientific literature. The topic has cognitive potential. It would be useful for both scholars and students of Constitutional Law of the Republic of Bulgaria, as it presents in a clear and systematic way a traditional but significant problem. Moreover, the problem is also of significant importance for practice.

Chapter one of the book is devoted to the parliamentary government in Bulgaria. It outlines the features of parliamentary governance in Bulgaria. This is a topic that has been the subject of systematic, sustained and traditional interest in Bulgarian constitutional theory. Penova, PhD applies a well-established and frequently used approach to the study of inter-institutional interactions in Bulgarian theory. In particular, she examines the relations of the Council of Ministers with the National Assembly, the President, the Constitutional Court and the judiciary.

The second chapter introduces us to the constitutional position of the government in the contemporary Bulgarian constitutional model. The concept of government is outlined. It analyses the types of government, the procedure for forming a government, the term of office,

the structure and composition of the Council of Ministers, and the constitutional status of ministers.

The third chapter examines the competence, activities and acts of the Council of Ministers. The competence and functions of the Council of Ministers, its powers and acts are presented. Attention is also given to procedural aspects in the activities of the Government. More specifically, the author introduces us to the organization and procedure of the Council of Ministers and the procedures used in this context.

Chapter Four focuses on the responsibility of the Government. Parliamentary control, the responsibility of the Government and the responsibility of Ministers are examined in separate sections.

Structurally the monograph also includes an introduction and a conclusion.

The monograph "The Council of Ministers in the Bulgarian Parliamentary Model", with which Dr. Penova participated in the current competition for the academic position "Associate Professor" in Constitutional Law, is written in a clear, comprehensible and readable manner. It is logically structured. The book is informative and would be useful for students of Constitutional Law and Parliamentary Law.

## **6. Evaluation of scientific and applied contributions**

The overall assessment of the scientific publications of Plamena Penova, PhD leads to the following conclusions. The candidate explores central institutes of constitutional law in a clear, comprehensible and logical way. She focuses on practically relevant topics with a well-established and established place in Bulgarian debate. Penova, PhD's scholarly publications are readable, understandable to students and the wider audience. They clarify issues that have practical relevance.

In their totality and wholeness Penova, PhD's scientific and applied contributions allow her to fulfill the legal requirements for the academic position of Associate Professor in Constitutional Law.

## **7. Critical comments and recommendations**

Based on the publications submitted for the competition, two recommendations can be made to the candidate for Associate Professor of Constitutional Law Plamena Penova, PhD. Firstly, it is good to use more contemporary literature in foreign languages on the topics of

research. The candidate is familiar with the debates in Bulgarian theory, but it is desirable to integrate her work in the context of the ongoing current debates in European and world theory. Second, I would recommend a clearer statement of personal opinion and a critical approach to the phenomena under study. Penova, PhD's elaborations are rather descriptive and it is desirable that in the future she offers us a problem-oriented analysis based on a stated clear authorial position with added theoretical value.

The above criticisms do not detract from Penova, PhD's contributions, allowing for a positive assessment of her candidacy for Associate Professor. They are intended to benefit her further scientific development.

## **8. Conclusion**

The candidate for the competition Plamena Penova, PhD is an established lecturer in Constitutional Law. Her habilitation thesis and the studies and articles submitted for the competition develop further and enrich the Bulgarian scientific discussion. They can also be useful for students and practitioners. I consider that Plamena Penova meets the conditions of the Academic Staff Development Act.

Therefore, I recommend to the scientific jury to select and to propose the head as Plamena Penova, PhD for the academic position "Associate professor" at the position announced by the Sofia University "Sts. Cl. Ohridski" competition in the professional field 3.6. Law (Constitutional Law), announced in the State Gazette, issue 65 of 28.7.2023.

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