

REVIEW

By **Prof. Dr. Rumen Petrov Vladimirov**, Professor of Criminal and International Criminal Law, appointed as a member of the scientific jury by order № RD 38-199/ 23.04.2021 of the Rector of the Sofia University “St. Kliment Ohridski”;

of the scientific works and teaching activity of **Chief Assistant Professor Dr. Krasimir Nikolov Manov**, a sole candidate participating in the competition for the academic rank of “**Associate Professor**” in the field of higher education 3. Social, economic and legal sciences, professional field 3.6 Law (Criminal Law), announced for the needs of the Faculty of Law at Sofia University "St. Kliment Ohridski" in the SG, No. 103 of 10.12.2021.

1. General presentation of the received materials.

First of all, it should be said that the jury was presented with the necessary number of documents - official notes, certificates, references, declarations, lists and other materials that are formally necessary for the lawful conduct of the competition. It is evident from them that for participation in it, the candidate has submitted a list of 6 publications - 1 monograph and 5 articles / one of them is in English /, which are included mainly in collections of reports published by University Press. “St. Kliment Ohridski”. These /and other, out of the competition/ publications are included in the NACID reference list. All submitted articles are accepted for review, although some of them are fully or partially creatively incorporated in the monograph entitled "Criminal Mental Impact", which was published in 2022. and contains a total of 267 pages. Therefore, the attention in this review will be focused primarily on the analysis of its qualities and scientific value.

2. Details of the candidate.

From the presented autobiography it is evident that Dr. Krasimir Manov was born on April 27, 1976, in Sliven. He graduated from Dobri Chintulov High School of Natural Sciences and Mathematics in the same city, and in 2001 he graduated with honors from Sofia University. Since 2002 he has been a full-time assistant (since 2006 he has been promoted to the position of senior assistant, and since 2009 - to the position of chief assistant) in the Department of Criminal Law. He has more than 20 years of experience in the Faculty of Law, as well as commitments in a number of other institutions and organizations. Specifically,

since 2017 he has been enrolled in the Unified Register of Mediators at the Minister of Justice, and since 2005 he has been practicing as a lawyer at the Sofia Bar Association. In 2014 he obtained the scientific and educational degree “Doctor” in Criminal Law at Sofia University “St. Kliment Ohridski”. He has excellent communication skills, which have been repeatedly proven as a participant in the organizational team of scientific conferences at the Department of Criminal Law at the Law Faculty of Sofia University, as well as an organizer of activities and events at the Foundation “At. Burov”.

3. General characteristics and evaluation of the scientific production of the candidate.

In connection with his participation in the competition for the academic position of "Associate Professor", the candidate has submitted in separate appendices the various types of required documents, including two separate lists of titles of his publications so far. The first list indicates their total number as follows: 2 monographs, 5 articles in scientific journals, 13 articles and 1 study in collections / in 4 of them he participated as a compiler / of conferences and others or a total of 21 publications. The second list of one monograph and 5 articles are the publications with which he participated in the competition.

Information about the scientific research and the achieved results of the candidate is obtained from the titles of the scientific materials from the general list. They are mostly in the field of criminal law protection of the cultural heritage of the Republic of Bulgaria, which is the name of his defended doctoral dissertation. However, in the general list of publications there are those that show that the candidate's interest in criminal law is broad and diverse enough, the identified problems in legislation, theory and judicial practice are serious enough. Here we will only mention some of the articles, for example: about the constitutional inconsistency in the legal framework of smuggling; for the competition between administrative and criminal liability; the need to use alternative means of response to crime; on the boundaries between liability for economic crime and free economic initiative, as well as the need for a new concept and regulation of economic crime; for the interdependence between the principles of criminal law and penal policy and others.

To the general characteristic of the mentioned overall scientific works of Dr. Manov, it should also be added that it is sufficiently known in the criminal law doctrine and the judicial practice. This is evidenced by the attached reference to established citations with a complete bibliographic description of his publications and the authors who cite them in their scientific papers. The reference

shows that so far 29 citations of most of his publications in the works of other famous Bulgarian and foreign authors are known.

In connection with the above, it can be summarized that all the scientific work of the candidate, in quantity and quality, is more than enough and is perceived with interest in doctrine and practice, because it is characterized by its own original style of presentation, analytical, thoroughness and concentrated scientific thought, without excessive circumstance.

4. Characteristics and assessment of the educational and pedagogical activity of the candidate.

From the issued official certificate for the teaching workload of Ch. Assistant Professor Dr. Krasimir Manov in the last three academic years the following can be seen: For 2021-2022 he has taught seminars on Criminal Law - general part with two groups, a total of 120 hours and seminars on Criminal Law - a special part with two groups, a total of 150 hours, as well as 16 hours of extramural education; for 2020-2021 - seminars on Criminal Law - general part - three groups, a total of 180 hours of seminars and on Criminal Law - special part with two groups, a total of 150 hours of seminars; for 2019-2020 - seminars on Criminal Law - general part, three groups, a total of 180 hours and on Criminal Law - special part, two groups, a total of 150 hours.

In addition, in the Faculty of Education, the candidate teaches the elective course "Counseling and Mediation in Non-formal Education. Legislative Basis of Consulting and Mediation Activities" - 30 hours of lectures and 30 hours of seminars, as well as 20 hours of lectures and 20 hours of seminars for extramural education.

At the Faculty of Education he also teaches the course "Legislation and Social Policy for Working with Children and Families" / master's program / - 30 hours of lectures and 30 hours of seminars for regular education and 25 hours of lectures and 15 hours of seminars for extramural education.

In addition to what is stated for the workload, one more thing must be added. It is known that the Regulations of Sofia University on the terms and conditions for obtaining scientific degrees and holding academic positions contain additional requirements for the respective candidate related to academic activities, including joint work with students and doctoral students in research projects and artistic and creative projects. These additional requirements are met by Dr. Manov, through specific events, such as participation in a scientific jury in a student competition organized by the association "Rebus" and participation as an academic mentor in projects of the Ministry of Education and Science on student

internships, for which relevant references and official notes are presented. Furthermore, the Ministry of Culture has sent a letter of thanks to him, the Department, the Faculty and the University for his participation in a working group for the protection of cultural heritage.

Finally, it should be mentioned about the attached reference regarding the implementation of the minimum national requirements under Art. 2b of the Law for development of the academic staff in the Republic of Bulgaria. According to the established indicators and after calculating the total number of points for them, it is concluded that their number is 395, which is quite enough to hold the academic rank of "Associate Professor".

5. Scientific and scientific-applied contributions of the candidate.

The scientific contributions of the candidate, which are diverse and numerous, are revealed after a thorough and detailed acquaintance with the publications submitted for participation in the competition.

A. Among them, first of all, attention should be paid to the monographic work entitled "Criminal Mental Impact". It was published at the beginning of this year and has a volume of 267 pages, and the number of citations almost coincides with the number of pages, namely - 263. Structurally, the monograph is built according to classical criteria and includes: Introduction, Three Chapters and Conclusion. Finally, a list of used scientific literature is attached, which contains about 110 titles in Cyrillic and another 11 titles in Latin. The content in each chapter is divided into paragraphs, points and sub-points, which are marked in a specific way. Chapters and their components are named with separate titles.

The introduction, as by the way and the conclusion, is rich and synthesized, and in addition to the purpose and specific approach of the study, it is stated that in case of mental impact on another person, special circumstances can be established, which are often outside the composition of the crime and the court does not always take them into account, although they are relevant to the determination of the punishment.

The first chapter is general in nature, entitled "Mental Impact and Certain Concepts of the Criminal Law" and contains several relatively short paragraphs. The first is devoted to the issue of mental impact and the mechanism of affecting the object of the crime, where the author offers his own classification and distinguishes two groups of mental impact in terms of its perception - direct and indirect impact.

- Paragraph 2 interprets the relationship between each of the groups of mental impact and the object of the crime, as well as hypotheses in which the mental impact is not explicitly included in the elements of the crime.

- In paragraph 3, this effect is interpreted on the basis of the executive act. As a rule, it can provoke the perception of the impact with the different senses - hearing, smell, taste, touch. The concept of hidden impact is introduced, and the role of physical impact, perceived as mental, as well as the possibility of the latter to be realized through inaction are substantiated.

- In paragraph 4, mental impact is dealt with in relation to the criminal result of direct and indirect impact on another person. The author considers that in its use the perception of something caused by the act itself is a result of the respective crime, even when its composition provides for another result.

- Paragraph 5 is interesting because it is dedicated to the division of resultant and formal /non-resultant/ compositions. The author believes that in addition to this classification there is another - the resultant and formal crimes, depending on whether the act itself is sufficient to justify its criminalization. On the other hand, it is argued that the very perception of the subject's action may be a criminal result.

- Paragraph 6 addresses the issues of mental impact and the object of the crime. On this basis, two groups of criminal acts are distinguished - those that motivate the addressee to act in certain way and those that cause him certain internal experiences. In this regard, it is considered that crimes with mental impact have a dual object and include beside the main object of encroachment, also the ensuring and guaranteeing the free flow of mental processes for the formation of free will and choice of behavior by the victim.

- The last paragraph 7 interprets issues of mental impact and the so-called. restorative justice, as an alternative to criminal responsibility and as an opportunity to reduce crime and restore a sense of fairness in society.

The second chapter, which further specifies the issue, is entitled "Mental Impact in Some Institutions of the General Part of the Criminal Law."

- Paragraph 1 is devoted to guilt and its peculiarities in crimes related to mental impact. Attention is paid to the issues of anticipating the socially dangerous consequences of different types of acts and different types of guilt. The emphasis is on predicting the behavior of other persons subject to mental impact, where this behavior of the person (including atypical) is a criminal result.

- Paragraph 2 deals with the concept of non compos mentis and its use in the elements of the crimes defined in the special part related to mental impact.

The content and the use (including historically) of this term in the general part of the Penal Code, as well as the term "insane" in the norms of the special part of the current Penal Code are considered. When in these norms the victim is designated as "insane person", it is proposed to make a corresponding corrective interpretation according to the legal criterion of Art. 33, para. 1 of the Penal Code.

- Paragraph 3 is interesting and deals with specific issues concerning the category of "complicity". In this regard, the relations perpetrator-abettor, perpetrator-accessory and between the co-perpetrators are considered. Some special hypotheses of theoretical significance are commented, such as for the so-called "Participation in unilateral information and coordination".

- The next paragraph 4 is relatively voluminous and refers to the so-called "Indirect perpetration". The introduction and interpretation of this concept in our country in 1932 by Prof. Dolapchiev is analyzed first. It is then considered in the context of complicity, as well as in the various forms of the executive act. Different ways of influencing the mediator have been analyzed, as well as the paradox that the mediator appears both as an object and as a means of a crime. It has been argued that the use of the indirect perpetration does not in essence constitute an analogy. The author also notes the erroneous case law regarding the application of the indirect perpetration and emphasizes the need for its explicit regulation in the Penal Code, and gives relevant specific proposals *de lege ferenda*.

- Final paragraph 5 refers to the relationship between mental impact and grounds excluding some of the main features of the crime. Consecutively, the relationship with them begins with the action of the undercover officer, then passes through the execution of an illegal official order and ends with the coercion of the victim of human trafficking under Art. 16a of the Penal Code. The author rightly considers the connection of mental impact here bilaterally /two-way/ - by the perpetrator and to the perpetrator of the act.

The last, **chapter three**, reflects the analytical study in descending gradation and this is confirmed by its title "Crimes related to mental impact".

- In paragraph 1 the author presents his own systematization of these crimes, which distinguishes them according to certain criteria: the first group of crimes with direct and those with indirect psychological impact. This group is subdivided into: a/ crimes that motivate a crime or other socially dangerous act, and b/ those that motivate to other types of behavior; second group of crimes - those that cause the victim certain mental states or experiences. The author distinguishes the two groups of crimes with two subgroups - crimes with coercion and those without coercion.

- In view of the given classification, in paragraph 2 and in 10 points the motivating criminal acts towards committing criminal or other socially dangerous activity are considered, namely: persuasion; abetting and openly abetting of a crime; preaching; procuring; directions to do something; ordering something to be done; setting a condition for a third party; bribery; provocation to crime; intermediation; criminal deals.

- Paragraph 3 refers to acts that constitute criminal mental influence to motivate the addressee /the victim/ to undertake some other behavior. These include four types of criminal activity: fraud, deception; documentary crimes; the so-called crimes of lies and coercion.

- Finally, the last paragraph 4 deals with the hypotheses of criminal provocation of certain mental or physiological conditions in another person. These include 5 forms of criminal activity, namely: crimes against honor and dignity; fear-provoking crimes; acts related to special treatment or setting specific conditions; mentally affecting acts using physical actions and acts that cause physical consequences through the use of mental influences.

The concluding part of the monograph is short but very synthesized. It emphasizes several points: first, that the monograph represents a different point of view from the traditional ones; second, that the study cannot claim to be exhaustive; and third, that it directs discussions on the issues raised in order to develop the theory, improve criminal legislation and advance jurisprudence.

B. Regarding the contributions in the monograph, first of all it should be explicitly emphasized that the chosen topic is **significant and relevant**. At the same time, this is a topic on which there is no complete and independent research, i.e., this is the first complete and complex work in our country, dedicated to the criminal impact on the psyche of another person. On the other hand, emphasis should be placed on the fact that the topic is **difficult and complex, firstly** because it concerns hypotheses of two-way communication between different persons directed to the victim or a third party, regarding the commission of a crime. **Secondly**, because the considered problems are related to the criminal law science as a whole - both to the general and to the special parts. **Third**, because these problems are of a subjective nature, as they relate to a person's mental experiences. This inevitably leads to the use of the achievements of other legal and special sciences - EU criminal law, criminology, restorative justice, psychology, psychiatry and others, and so the topic necessarily appears to be **interdisciplinary**. But at the same time, when interpreting criminal law issues, the author considers them in a different way from the traditional one, namely through the prism of the interaction between subject and victim, which makes the work **innovative and interesting**.

After a thorough acquaintance with the monographic habilitation work "Criminal Mental Impact", it can be summarized that as a whole and in each of its three chapters, it contains **numerous contributions** of varying weight and significance. Moreover, it can be argued that **the entire monograph is an innovative work, a creative product that impresses**. In fact, the main and fundamental contribution, mentioned by the author, consists in **presenting a different point of view and a new approach to the study** of the numerous crimes as defined in the Penal Code, in connection with their case law interpretation. For this purpose, in his theoretical research, the author has conducted a comprehensive and detailed creative review of the relevant types of crimes and their components. It is well known that pioneers in a particular field find it difficult to make a breakthrough in the public sphere immediately, and accordingly it is very likely that certain objections, disagreements or even partial or complete denials will appear in the doctrine. However, I generally welcome and strongly endorse the work written and the scientific achievements contained in it.

In connection with the indication of the contributions, I will first join the significant part of the ones listed by the author, which in accordance with the requirements are presented in the submitted reference and summary /Appendices №10 and № 13 of the documents respectively/. However, I will mention **some of the contributions** that I have identified and noted in my notes. For example: the the author's own systematization of the considered types of crimes with mental impact; the analysis of the indirect perpetration; the clarification of some specific or controversial legal concepts, such as "procuring", "preaching", etc .; the substantiated criticism of the racketeering extortion under Art. 213a of the Penal Code /p. 36 et seq./; the analysis of fraud and similar crimes /p. 210 et seq./; the clarification of coercion and in particular the notion of the "abuse of power" and its distinction from the notion of "threat" /p. 222 et seq./; the analysis /on p. 226 et seq./ of the peculiarities and the connection between the physical and the mental coercion and many others.

C. As for the candidate's articles submitted for review, they address general or specific problems of the criminal law and the litigation.

The developed topics arouse strong theoretical interest: preaching, as a kind of executive act; the need to use mediation in the judiciary (this is further emphasized by the provocative title, which at first sight seems to be nonsense); bribery and the grounds for release from liability for mental influence /article in English/; the relationship between the principles of criminal law and criminal policy; theoretical considerations on the issue of indirect perpetration. In general, in the presented articles can be found **many interesting conclusions and ideas** that emphasize the academic potential of the author.

6. Assessments of the personal contribution of the candidate.

It should be emphasized that both the reviewed monograph and the articles presented in the competition, as well as the entire academic work of Dr. Manov, are the result of his personal efforts and academic potential. In this regard, it should be emphasized that he has built his own and unique, logical and tolerant scientific-theoretical style of research on criminal law issues, as well as of justification of his new, original and high-quality scientific theses. All this shows that he has built-in capabilities for highly professional analysis and based on them, to substantiate convincing and logical doctrinal conclusions, as well as proposals for improving the existing criminal law and the judicial practice in connection with the application of its norms.

7. Notes and recommendations.

The reviewed monograph, as entirely innovative, original in its approach and specific analysis, and can inevitably provoke criminal law professionals to make critical remarks and recommendations regarding its refinement. However, it should be immediately clarified that the following notes and recommendations do not affect my excellent impressions of the work, and their purpose is to assist the author to improve it in the event of a future second revised and supplemented edition. I recommend this to be done, because although the author has explicitly stated the lack of claims for completeness, the topic does raise many different issues, both quantitatively and qualitatively, which need to be further interpreted and clarified.

I will start with **three general remarks**, the first of which relates to some extent **to the title of the topic** and specifically to the combination of “mental impact” used. I believe that it does not fully reflect the issues addressed in the paper. This is because when it comes to contact between persons with opposing interests, as in the case of the perpetrator and the victim (or another person), in view of their meaning and significance, expressions such as “mental impact” and “Impact on the psyche” are not identical or equivalent. The first term indicates **the mode of impact** (only mental), which is restrictive, while the second is more comprehensive, as it emphasizes **the direction of the impact** on the victim or third party, but more importantly, it includes all possible ways of impact - mental, physical or a mixed psycho-physical. In this sense, the term "impact on the psyche" of another person is more complete, accurate and adequate to the scientific hypotheses set out in the monograph and should be preferred. It is a quite separate issue that the physical impact itself affects the psyche of the

affected person, and vice versa, that the mental impact also affects the physical condition of the same person.

The second general remark is **significant and refers to the reasoning and conclusions of the author about the division of crimes** /with unconvincing arguments/ and the compositions into resultant and the formal /non-resultant/. Starting from crimes with mental impact, and not from their elements, it is accepted in the work that they are an example of resultant ones, because the other person must have perceived /understood, learned/ the impact and this was also a kind of result regardless of whether the elements of the crime provide for socially dangerous consequences. Since I believe that in practice if this position of the author is accepted all types of such crimes should be defined as resultant (with which I do not agree), I recommend the author to consider whether in two-way communication, learning the information from the addressee is really a socially dangerous consequence and what is its public danger? Then far more convincing is the thesis that the perception is not actually a result but is an objective prerequisite /necessary condition/ to carry out the executive act itself and to qualify the crime as completed or unfinished. For example, this is the case with the crime of accusation, as well as the crime under Art. 108, para. 1 of the Penal Code and other similar crimes. Sometimes the executive act itself determines the existence of non-resultant compositions, when it is formulated by the imperfect form of the verb. In connection with the above, I suggest the author to reconsider the view /on p. 149/ that the crimes committed by persuasion cannot be formal, especially when the persuasive executive act is described by such elements as: “persuades”, “abets”, “preaches” and others.

As to the third general remark, it is in relation to what is set out in Chapter Two, para. 3 "Complicity" /p. 93-104/ and specifically the hypothesis referred to /p. 100-102/ of the **so-called complicity in unilateral information and coordination**, when the perpetrator was not aware, not only that he was assisted by another /as indicated in the work/, but also when he was not aware that he was persuaded from another person. For example, a knife was thrown with which the perpetrator committed murder. It is also possible that the perpetrator was not aware of the fact of his abetment due to the prolonged, specific, indirect or cunning effect on his psyche. In theory, this is illustrated by Shakespeare's classic drama (or tragedy) Othello, where, unknowingly, he deliberately was abetted by his "friend" Iago, who incited Othello's painful jealousy and thus motivated him to kill his beloved Desdemona. It should be emphasized that such cases are extremely rare and are resolved positively by theory and practice through the prism of complicity, not through the prism of guilt. It is assumed that there will be such complicity, because in unilateral coordination, it was acted with intent and the act of complicity is causally related to the criminal result. Therefore, for such and similar cases, there is no need to insist on special changes in the Penal Code.

Finally, I will only mention some **editorial or other omissions**, and their elimination would further improve the presentation of the monograph. For example, it would be useful to comment on the importance of the defective / wrong or inadequate / perception of the impact, as well as the reverse impact of the victim or a third party to the perpetrator. In some cases /p.87-93, etc./ it is more convincing, after the considerations made, to propose specific changes de lege ferenda in the Penal Code. But in the same context, I believe that the only proposal with sample texts on the regulation of indirect perpetration /p. 129/, needs some reconsideration and reduction. The exhibition mentions a huge number of types of crimes, but I recommend that instead of or along with the numbers of the articles (which makes it difficult for the reader), they be outlined with their short names. Also, some of the considerations about bribery need to be expanded, including the hypotheses of the so-called “bribe-reward”. Two more recommendations should not be spared - to simplify the long 6-10 lines of sentences /especially with the conclusions made/, as well as to correct some unacceptable combinations, such as “subjective purpose” and others.

8. Personal impressions.

I know the candidate from the competition from 7 years ago, when I was a member of the jury for the defense of his doctoral dissertation on criminal law protection of the cultural heritage of Republic of Bulgaria. It had so many contributions and merits, and the shortcomings were so insignificant that they were not at all explicitly mentioned and commented on in my opinion at the time. I am glad that my recommendation to publish the dissertation as a monograph was implemented. Since then, there have been no cases of personal contact with Dr. Manov, but I have observed his scientific and creative development over the years and I can definitely say that it has been on the rise.

9. Conclusion.

After the detailed acquaintance with the materials presented in the competition, for the research and teaching work of the candidate, I believe that all procedural and essential requirements of the Development of Academic Staff in the Republic of Bulgaria Act /and especially of its Art. 2b, regarding the scientific-metric indicators/, the regulations for its implementation and the additional requirements of Sofia University “St. Kliment Ohridski” to the candidates for scientific degree and for academic rank are met. In addition, **the high positive assessment** of the main habilitation thesis - the monograph "Criminal Mental Impact" and the published articles after the defended doctoral dissertation must be confirmed.

Therefore, I strongly recommend to the Faculty Council of the Faculty of Law at Sofia University "St. Kliment Ohridski" to elect Chief Assistant Dr. Krasimir Nikolov Manov for an academic rank of "ASSOCIATE PROFESSOR" in the professional field 3.6 Law (Criminal Law).

17. 03. 2021

Sofia

Prof. Dr. Rumen Vladimirov