

OPINION

By Prof. Dr. Plamen Alexandrov Panayotov, member of the scientific jury in an announced competition for the academic position of “Associate Professor” at the Faculty of Law of Sofia University in the field of higher education 3. Social, economic and legal sciences, professional field 3.6 Law (Criminal Law), published in the SG, no. 22 of 16.03.2021.

1. Only one candidate participates in the competition - Chief Assistant Professor Dr. Miroslava Borisova Manolova. She presents scientific papers, which were published after the defense of her dissertation. One of them is a habilitation thesis - the monograph “Why do we punish? The theoretical and normative model of the purposes of punishment in Bulgarian criminal law” /Mont OOD, 2021, 208 p./ and the others are 6 articles. At its first meeting, held on 20.05.2021, the scientific jury admitted Ch. Assist. Prof. Dr. Miroslava Manolova to participate in the competition, as she meets the national minimum requirements for the position of “Associate Professor”.

2. Miroslava Manolova has a master's degree in law from Sofia University “St. Kliment Ohridski”. Since 2000 she has been an assistant, and currently – a chief assistant in Criminal Law at the Faculty of Law of Sofia University “St. Kliment Ohridski”. Since 2014 she has been a doctor of Law after defending a dissertation on “Drug offences”. She successfully conducts seminars in Criminal Law (general and special parts) at the Faculty of Law, as well as a course of lectures in Criminal Law for students from the master's program “Social and Criminal Psychology” at the Faculty of Philosophy.

It should be emphasized that Ch. Assist. Prof. Dr. Miroslava Manolova successfully combines teaching and research with her practical work. In the period 1997-2000 she was an investigator in the Sofia Investigation Service, in 2005-

2006 she worked as a chief jurisconsult at the Ministry of Culture, and since 2006 she has been a legal adviser in the Legislative Advisors Department of the National Assembly. As an expert and adviser, she has analyzed many bills and assessed their compliance with other laws, the Constitution of the Republic of Bulgaria and the European Union law. At the same time, Dr. Miroslava Manolova has extensive experience as a researcher in national and international research projects. She has also participated as a speaker in many conferences on criminal law issues.

3. The monograph “Why do we punish? The theoretical and normative model of the purposes of punishment in Bulgarian criminal law” is a conscientiously conducted, in-depth and systematic study. The author remains faithful to her already established scientific style, offering an interdisciplinary approach in considering the problems and justifying ways to solve them.

The subject of the study is a significant scientific challenge. It presupposes that the author should be based on the modern achievements of the substantive Criminal law as well as Philosophy, Sociology, the General theory of law and Constitutional law when clarifying her views,. Miroslava Manolova has convincingly overcome this challenge.

The study explains in depth the relationship between the general purpose of punishment /the definition of which is intended to answer the question why it is necessary at all/ and the immediate goals of punishment /the definition of which is crucial in criminal law enforcement/. The need to seek a balance between them is also justified. At the same time, among the general merits of the monograph should be highlighted the consideration of these goals in the context of the principles of punishment.

The adopted scientific approach gives exceptional relevance and practical usefulness to the study, although it is dedicated to one of the fundamental issues

in criminal law. That is why the monograph is of interest to the law enforcement authorities, the legislator, the scientific community in the field of law, philosophy and sociology, but also to a much wider range of readers - all those who seek ways to achieve justice in punishment of crimes.

The work is also distinguished by many specific contributions, some of which are the following:

- the specific characteristics of the three main theories of the purposes of punishment - the utilitarian, the retributive and the mixed ones, are systematized. Their merits and weaknesses are highlighted. /p. 15 et seq., p. 36 et seq., p. 60 et seq./;

- the impact of the above mentioned theories on the development of both our criminal legislation and criminal law theory is explained /p. 84-89/;

- a historical tracing, typification and systematization of the normative decisions and the theoretical views in Bulgaria regarding the purposes and principles of the punishment has been carried out /p. 90 et seq./;

- it is clarified what the misunderstanding of the purpose of criminal law in the totalitarian state leads to /p. 129/;

- an in-depth analysis of the theoretical and normative model of the purposes of punishment, adopted in our country is carried out /p. 135-142/;

- on the basis of specific examples the discrepancy between number of changes in the special part of the Criminal Code and our theoretical-normative model of the purposes of the punishment is pointed out /p. 143 et seq./;

- it is emphasized that the wrong approach adopted by the legislator leads to an unjustified intensification of the criminal repression. On this basis, it is concluded that "criminal law, instead of the latter, has become the main means of solving the problem of crime, and Criminal Code has become increasingly

criminal and less code (in the sense of a set of legal norms that are in internal logical interconnectedness and consistency)" /p. 146/;

- it is clarified to what consequences in the case law the significant discrepancy between the punishment provided by the legislator and the public danger of the crimes of a given type leads to /p. 170-177 /;

- a number of well-founded de lege ferenda proposals have been made, among which the one that would lead to the restriction of the populist approach in the penal policy and the criminal legislation of Bulgaria should be especially emphasized /p. 146 et seq., p. 182-184/.

Given the outlined contributions of the study, it is undoubtedly necessary to conclude that it is of great theoretical and practical importance for the formation and implementation of an effective policy in the field of punishment of crimes. The high scientific value of the monograph is determined by the wide range of methods used in the study, among which stand out the comparative, historical and legal ones. Ch. Assist. Prof. Dr. Miroslava Manolova demonstrates detailed knowledge of the legislative and judicial practice relevant to the issues under consideration. It is not insignificant to emphasize that the perception of the author's theses is facilitated by the clear and accessible way in which they are formulated and argued.

4. Ch. Assist. Prof. Dr. Miroslava Manolova presents for participation in the competition six other scientific publications - "The Retributive Theory of Punishment or Why Do We Punish" /In: Scientific readings on "Sanctions in law". Collection of reports. S., Sofia University Press, 2019, 368-376/; "On Just Punishment and Aristotle" /In: Criminal Justice - Traditions and Perspectives. Collection of reports. S., Sofia University Press, 2018, 346-354 /; "Populism and the Bulgarian Criminal Code" /In: Contemporary Challenges to the Criminal Legislation. Proceedings of an international scientific conference. S., Sofia

University Press, 2018, 266-274 /; "On the Proportionality of Punishment and Crime. Principle vs Expectations" /In: Scientific readings in memory of Venelin Ganev and Nikola Dolapchiev. Collection of reports. S., Sofia University Press, 2017, 284-291 /; "Three Theories of Punishment and One Principle" /In: Scientific readings on "Legal norms and legal principles". Collection of reports. S., Sofia University Press, 2017, 315-322/; "On the Principles of Legality and Proportionality of Crimes and Penalties - more than a century after the first Bulgarian Criminal Law Act" /In: Criminal legislation - traditions and perspectives. Proceedings of an international scientific conference. S., Sofia University Press, 2016, 159-169/. In these publications the author thoroughly explores specific aspects of the topic of the monograph.

5. In general, the scientific work of Ch. Assist. Prof. Dr. Miroslava Manolova should receive a high positive assessment due to the prominent theoretical and practical significance of her works. They are a novelty in science and are the result of her personal research. At the same time, through these works, she demonstrates her ability to identify important social problems, to study them thoroughly and to offer convincing ways to solve them.

In conclusion, given the above regarding the teaching, practical and research activities of Ch. Assist. Prof. Dr. Miroslava Borisova Manolova, I believe that she meets all the conditions for holding the academic position of "Associate Professor" according to the Development of Academic Staff in the Republic of Bulgaria Act. Therefore, I recommend to the scientific jury to propose to the Faculty Council of the Faculty of Law of Sofia University "St. Kliment Ohridski" to elect Dr. Miroslava Borisova Manolova for an academic position of "Associate Professor" in Criminal Law.

Sofia, June 2021

Prof. Dr. Plamen Panayotov