

# OPINION

By Assoc. Prof. Dr. Ralitsa Yankova Ilkova - Petkova, member of the scientific jury in a 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, with candidate Ch. Assistant Professor Dr. Krasimir Nikolov Manov.

## **I. Information about the competition**

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), is published in the SG, No. 103 of 10.12.2021 in accordance with the decision of the Faculty Council of the Faculty of Law of Sofia University.

Participating in the competition is one candidate - Ch. Assistant Professor Dr. Krasimir Manov.

By Order № RD-38-57 / 24.01.2022 of the Rector of Sofia University "St. Kliment Ohridski" I have been appointed as an internal member of the scientific jury for conducting a competition for the academic rank of "Associate Professor" under 3.6. Law (Criminal law). According to Protocol № 1 from a meeting of the scientific jury for conducting a competition for the academic rank of "Associate Professor" under 3.6. Law (Criminal Law), held on 14.02.2022, I have been appointed to prepare an opinion on the materials submitted by the candidate for participation in the competition.

I hereby present the following opinion.

## **II. Information about the candidate**

Krasimir Nikolov Manov was born in 1976 in the town of Sliven. He received his secondary education in 1995 at the Dobri Chintulov High School for Natural Sciences and Mathematics in Sliven. He received his higher legal education at Sofia University "St. Kliment Ohridski". He completed a master's degree in Law in 2001. Since 2002, he has been appointed as an Assistant, since 2006 - a Senior Assistant, and since 2009 - Chief Assistant at the Department of Criminal Law at the Faculty of Law of Sofia University "St. Kliment Ohridski". He received a doctoral degree in Law in 2014 defending a dissertation on "Criminal Law Protection of Cultural Heritage in the Republic of Bulgaria."

The candidate has impressive teaching experience. He leads seminars for law students at the Faculty of Law of Sofia University "St. Kliment Ohridski" in Criminal Law - General Part and Criminal Law - Special part with full auditorium employment. For the last three years he has led lecture courses on the discipline "Legislation and Social Policy for Working with Children and Families" (master's program) at the Faculty of Education at Sofia University "St. Kliment Ohridski". Additionally, the candidate has actively participated in the semester exams, written state exams, entrance exams, has conducted training and internships, has taken an active part in the activities of the academic bodies at Faculty and University level. He is an academic mentor under the "Student Internships" program of the Ministry of Education and Science. Krasimir Manov is an established university lecturer with 21 years of teaching experience with a very good reputation and indisputable authority in academia. He is highly respected by the students in the Faculty of Law. In view of the above, I am convinced that the candidate is a lecturer at a high academic level, extremely well prepared and competent to hold the academic rank of "Associate Professor", for which the competition was announced.

Since 2005 and at the current moment Krasimir Manov is a registered member of the Sofia Bar Association and works as a lawyer, which allows him to successfully combine his scientific and practical work and apply his in-depth scientific knowledge in practice. Since 2017 he has been a mediator, officially enrolled in the Unified Register of Mediators at the Minister of Justice of the Republic of Bulgaria.

Krasimir Manov is an established scientist in the field of criminal law. He has published 5 articles in established scientific journals; 13 articles in collections with scientific editing; one study in a collection; he is the editor of 4 collections of scientific conferences organized by the Departments of Criminal Law Studies and Theory of State and Law at the Faculty of Law of Sofia University "St. Kliment Ohridski" (2017, 2018, 2019 and 2021). He has participated in various scientific and research conferences.

Mr. Manov's interests are mainly in the field of criminal law. When reviewing the academic activities of the candidate, what makes a strong impression is his monographic work for his Doctoral degree - "Criminal Law Protection of Cultural Heritage in the Republic of Bulgaria" - Sofia, Sibi, 2015, as well as his articles "Criminal Liability for Illegal Activities Carried out in a Protected Area for the Protection of Cultural Heritage" - In: Legal Algorithm, № 1, 2015; "The Provisions of Art. 242, Para.7 and 8 of the Penal Code Contradict the Constitution of the Republic of Bulgaria" - In: De Jure, № 1, 2015; "On the Object of Crimes Against Cultural Heritage" - In: Contemporary Law, №3, 2013; "Is it a Crime to Hold Archeological Sites That Have Not Been Identified and Registered?" - In: Legal Thought, № 3, 2013; "Crimes Against Cultural Heritage - Collisions and Relationships" - In: Thesis, № 4, 2012; Criminal Law Protection

Of Cultural Heritage, "Law and Multidisciplinarity". Collection of Papers from the International Scientific Conference Held on 12-12 April 2019, Niš, Serbia, Publisher: Faculty of Law, University of Niš, 2020; "Competition Between Administrative and Criminal Liability for Offenses in the Field of Culture" - In: 50 Years of the Law on Administrative Offenses and Penalties - History, Traditions, Future. Collection of reports. "St. Kliment Ohridski", 2020; "About the Border between Penal Liability for Economic Crimes and the Freedom of the Economic Initiative" - In: Law and borders. Collection of reports. "St. Kliment Ohridski ", 2018; "Is it Necessary to Reconsider the Concept of the Social Relations as Object of the Crime" - In: Criminal Justice - Traditions and Perspectives. Collection of reports. "St. Kliment Ohridski ", 2018; "Necessity of a New Concept in Regulation of Economic Crimes Under the Bulgarian Penal Code" - In: Criminal Law - Traditions and Perspectives. Collection of reports. "St. Kliment Ohridski ", 2016.

Krassimir Manov not only meets, but far exceeds the national minimum requirements for holding the academic rank of "Associate Professor" at Sofia University, according to ZRASRB (Art. 2b) and the Regulations for its implementation (Art. 1a, para. 1). As evident from the reference for the implementation of the national requirements under Art. 2b of the Law, relevant for scientific field 3. "Social sciences", professional field 3.6 "Law" (Criminal law) Ch. Assist. Prof. Dr. Manov earns the required points in all groups of indicators: group of indicators "A" - dissertation for awarding educational and scientific degree "Doctor" - 50 points; group of indicators "C" - habilitation thesis - monograph - 100 points; group of indicators "D" - scientific publications - 125 points; group of indicators "E" - citations - 120 points. The total number of accumulated points according to the quantitative indicators by groups A + C + D + E is 395.

### **III. Information about the submitted papers for review**

For participation in the competition, the candidate Krasimir Nikolov Manov presents the monograph "Criminal Mental Impact", Sofia, Foundation for Bulgarian Literature, 2022, ISBN 978-954-677-116-2, under the scientific editorship of Prof. Dr. Plamen Panayotov and the articles Preaching as Actus Reus of Crimes Under the Bulgarian Criminal Code. In: Scholarly Readings: Law and Religion. Sofia, University Press "St. Kliment Ohridski", 2021, 368-376. ISBN: 978-954-07-5133-7; Crime as Punishment and Punishment as a Crime. Some Thoughts on the Need for Alternative Means of Reaction Against Crimes - In: Scholarly Readings: Sanctions in Law. Sofia, University Press "St. Kliment Ohridski", 2019, 391-402. ISBN: 978-954-07-4831-3; „Impact in Bribery as Grounds for Exemption from Criminal Liability According to the Bulgarian Criminal Code“ - In: "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, p.: 23-26, ISBN: 978-601-80759-3-3; The Interdependence Between the Principles of Criminal Law And Principles Of Penal Policy - In: Scholarly Readings: Legal Norms and Legal Principles. Sofia, University Press "St. Kliment Ohridski", 2017, 323-332. ISBN: 978-954-07-4321-9; On The Indirect Perpetration Of Crime - In: Scholarly Readings in memory of Venelin Ganey and Nikola Dolapchiev. Sofia, University Press "St. Kliment Ohridski", 259-277. ISBN: 978-954-07-4260-1.

The reviewed works are a continuation and development of his scientific research in the field of institutes of the General Part of Criminal Law. All scientific papers submitted for review are in the field of criminal law, for which the competition has been announced.

Among the scientific achievements of the candidate, a special mention should be made of his habilitation work - the monograph "Criminal Mental Impact". The monograph is an original work containing valuable scientific contributions.

The object of the scientific analysis made by the candidate is the issue of the mental impact carried out in the commission of criminal activity. The study is aimed at clarifying the scope of a number of institutes of the General Part of the Penal Code in exerting mental impact upon the victim, but also a number of types of crimes incriminating forms of criminal influence. The work has a strong scientific value, but it is also of great practical importance.

The study is characterized by a structure that includes an introduction, three chapters and a conclusion.

The first chapter of the study, "Mental Impact and Some Concepts of Criminal Law", offers the author's point of view on the content of the concept of mental impact and its significance for criminal law. The role of mental impact on the mechanism of affecting public relations as an object of crime has been clarified, distinguishing two main groups of mental impact - direct and indirect mental impact. The subject of in-depth analysis are the peculiarities of the object, the subject, the executive act and the criminal result in crimes related to mental impact. The application of restorative justice in resolving the issue of the responsibility of the perpetrator of a crime related to mental impact was also discussed.

Chapter Two, "Mental Impact at Some Institutions of the General Part of Criminal Law", analyzes the specifics of some of the institutes of the General Part of the Penal Code in the case of criminal mental impact. The emphasis is on the issues related to the formation of guilt as a result of criminal influence; that of complicity in the case of criminal influence by one of the accomplices on another; indirect perpetration through the use of mental influence; the

circumstances excluding the public danger, the illegality, the punishability and the guilt as a result of the exercised criminal mental impact.

Chapter three of the monographic study, "Crimes Related to Mental Impact", systematizes crimes related to mental impact and analyzes the specifics of their executive acts.

The publication has a total volume of 268 pages; the reference for the literary sources contains 122 titles, both in Bulgarian and in a foreign language; footnotes are 263 in number; the citations are correct; the relevant normative acts and court decisions are indicated. De lege ferenda suggestions have been made.

To participate in the competition, the candidate has submitted five articles published in edited collective volumes.

**The article "Preaching as Actus Reus of Crimes Under the Bulgarian Criminal Code."** In: Scholarly Readings: Law and Religion. Sofia, "St. Kliment Ohridski", 2021, 368-376, emphasizes the provisions of the Bulgarian Penal Code, criminalizing activities for which the legislator has used the term "preaching" as a form of mental impact by the perpetrator of the crime on others. The article analyses the meaning of this term used as a criminal law concept; identifies problems that arise in practice in the interpretation of these legal norms; and offers a solution to the corresponding issues.

**In the article "Crime as Punishment and Punishment as a Crime. Some Thoughts on the Need for Alternative Means of Reaction Against Crimes" -** In: Scholarly Readings: Sanctions in Law. Sofia, University Press "St. Kliment Ohridski", 2019, 391-402, the author analyzes the relationship between justice and the degree of criminal repression and clarifies the possibilities for restorative justice to restore a sense of fairness in the process of resolving conflicts. The article discusses the problems and opportunities that arise before the introduction of the means of restorative justice in criminal proceedings.

**In the article "Impact in Bribery as Grounds for Exemption from Criminal Liability According to the Bulgarian Criminal Code" -** In: "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, p.: 23-26, the candidate analyzes the circumstances that may lead to exemption from criminal liability for bribery and are related to the mental impact exerted by the opposing party in bribe - blackmail for bribery and provocation to bribery - according to the Bulgarian Penal Code. Thus, the author contributes to the enrichment of scientific theory and the development of law enforcement in bribery in the public sector.

**The article “The Interdependence Between the Principles of Criminal Law and Principles of Penal Policy”** – In: Scholarly Readings: Legal Norms and Legal Principles. Sofia, University Press “St. Kliment Ohridski”, 2017, 323-332, is devoted to the issues of the relationship and interdependence between the principles of criminal policy and the principles of criminal law. The author has studied in detail and in depth the principles of criminal law and penal policy and has formulated legally significant theses about their mutual intersection and complementarity.

**The article “On the Indirect Perpetration Of Crime”** - In: Scholarly Readings in memory of Venelin Ganev and Nikola Dolapchiev. Sofia, University Press “St. Kliment Ohridski”, 259-277, tackles the legal issue of the indirect committing of crime. The different cases of crimes committed through an innocent agent were assessed. The paper also analyses the question whether this legal concept constitutes an application by analogy of criminal law and if there is a need for an explicit regulation.

#### **IV. Evaluation of scientific and applied research results and contributions of the dissertation**

The monograph is an indisputable contribution to criminal law theory. The following should be outlined as main contributing moments of the author.

The candidate’s habilitation work is the first in the Bulgarian criminal law theory comprehensive monographic research on the problem of mental impact, carried out in the course of criminal activity. The study has a strong criminal law significance as it clarifies the manifestations and types of mental impact in the commission of a crime, but its importance for criminology can not be neglected, as it clarifies important aspects of the interaction between the offender and his victim in crimes related to mental impact.

The author analyzes in detail and in-depth the mechanisms of mental impact on the individual and based on this knowledge formulates relevant legal conclusions regarding the forms of an executive act, the subject, and the socially dangerous consequences of crimes related to mental impact specified in the law. The conclusions of the candidate in this regard are of important scientific, but also practical significance.

Of particular importance - for the development of both criminal law science and practice, is the candidate's analysis of the specifics of a number of criminal law institutes of the General Part of the Penal Code in the context of crimes related to mental impact, as well as individual types of crimes related to coercion, regulated in the Special Part of the Penal Code. In this part, the study will contribute greatly to the correct interpretation and application of the law by legal practitioners and to the unification of the practice of the courts on the

discussed compositions of crimes. The practical experience of the candidate as a lawyer provides him with a specific perspective on the problems in the application of the law in this category of cases, which have been successfully addressed by the study.

This is the first time such a comprehensive and extremely in-depth study of the importance of various manifestations of mental influence to assess the behavior of legal subjects in terms of the application of criminal law and the implementation of their criminal responsibility is presented in the doctrine.

It can be convincingly stated that the dissertation has concentrated its scientific research in the field of current issues of encroachments related to various manifestations of mental impact. Hence, it can be concluded that the study is particularly relevant and could contribute significantly to the development of legislation - and not only criminal, but also law enforcement.

The candidate makes a valuable contribution to the formulation of *de lege ferenda* recommendations. The adoption of many of them could lead to modernization and improvement of criminal legislation in the area.

The five articles submitted for participation in the competition, published in edited collective volumes, are also characterized by significant scientific contributions, and will certainly support the development of criminal law theory and law enforcement.

## **V. Critical notes and recommendations**

The analyzed scientific works are characterized by numerous and indisputable contributions, but some critical remarks should be made, particularly with regard to the monographic study.

It is appropriate to recommend to the author to add to the beginning of his presentation and to systematize his conclusions regarding the content of the concept of "mental impact" and the individual manifestations of mental impact in view of different classification criteria -knowledge that is otherwise objectified in different places in the work.

The work would significantly benefit from the author doing a historical retrospective of the development of the views of the Bulgarian legislator regarding the importance of mental impact for the criminal responsibility of individuals and the criminalization of various forms of criminal influence.

The work would be enriched if the author analyzes foreign legislation in the field of crimes related to coercion and identifies good practices through which Bulgarian legislation could be updated and further developed in unison with the authors' theses.

## **VI. General assessment of scientific and applied contributions and recommendations**

The scientific papers presented for the competition by Ch. Assistant Professor Dr. Krasimir Nikolov Manov - both his habilitation work and the others, in terms of quality not only meet but exceed the requirements of the law. They contain numerous valuable scientific contributions. The candidate convincingly demonstrates his ability to formulate and argue in depth his scientific theses. The conclusions, summaries and proposals in the works de lege ferenda have not only scientific, but also great practical significance, because they are not self-serving, but fully consistent with public needs and case law.

The abovementioned critical remarks do not in any way affect the overall positive evaluation of the reviewed scientific papers. These notes are fragmentary and do not shake the unconditional conclusion that the scientific work was written as a result of hard work and conscientious efforts in the field of scientific analysis.

The scientific work of the candidate unequivocally shows that Ch. Assistant Professor Dr. Krasimir Manov is distinguished by his ability to comprehensively and thoroughly study criminal law issues, to offer adequate and meaningful solutions for law enforcement in the direction of updating and improving our criminal law. The candidate is a longtime lecturer in criminal law and enjoys the trust and respect of his colleagues and students.

## **VII. Conclusion**

In conclusion, I state that the overall assessment of the teaching and research work of the candidate for the academic rank "Associate Professor" in the professional field "3.6 Law" ("Criminal Law") Ch. Assistant Professor Dr. Krasimir Nikolov Manov meet the requirements of Art. 24, para. 1 of the Development of Academic Staff in the Republic of Bulgaria Act, due to which **I give a positive assessment and I am convinced that the esteemed scientific jury should propose to the Faculty Council of the Faculty of Law of Sofia University "St. Kliment Ohridski" Ch. Assistant Professor Dr. Krasimir Nikolov Manov to be promoted to the academic rank of "Associate Professor" in the professional field "3.6 Law", specialty "Criminal Law" at the Faculty of Law of Sofia University "St. Kliment Ohridski".**

Member of the scientific jury of the competition:

Assoc. Prof. Dr. Ralitz Ilkova

Sofia, March 10, 2021