

## OPINION

on the scientific production of

Dr. Krasimir Nikolov Manov, candidate for the academic rank of "Associate Professor" in the Criminal Law Department at the Faculty of Law of Sofia University "St. Kliment Ohridski", submitted by Assoc. Prof. Dr. Juliana Mladenova Mateeva, Varna Free University „Chernorizets Hrabar“ and South-West University "Neofit Rilski", member of the scientific jury

By order № RD 38-57/ 24.01.2022 of the Rector of Sofia University "St. Kliment Ohridski" I have been appointed as a member of the scientific jury in an announced competition for the academic rank of "Associate Professor" at the Faculty of Law of Sofia University in the professional field 3.6 Law (Criminal Law), published in the SG, no. 22 of 16.03.2021. I am preparing this opinion in pursuance of this order.

The only candidate for the position is Dr. Krasimir Nikolov Manov.

He graduated in Law at the Faculty of Law at Sofia University "St. Kliment Ohridski" in 2000. In 2014, after successfully defending his doctoral dissertation, he was awarded the educational and scientific degree "Doctor" in "Criminal Law" at the same university. Since 2002, Dr. Manov has held the positions of "Assistant Professor", "Senior Assistant Professor" and "Chief Assistant Professor" in the Department of Criminal Law and has almost 20 years of teaching experience. He conducts lectures and exercises in the discipline "Criminal Law" at the Faculty of Law and Faculty of Education of Sofia University, which ensures he has the required workload. Dr. Manov has participated in four research projects. The reference to the citations shows 29 notable references to his works.

The summary of publications includes two monographs, one of which is a defended dissertation, eighteen articles (of which: five in scientific journals and thirteen in conference proceedings) and one study in a conference proceedings. Of these, in order to meet the minimum national requirements within the meaning of Art. 2b, para. 2 and Art. 4, para. 1 of Development of Academic Staff in the Republic of Bulgaria Act, six publications are presented: one monograph, which is a habilitation thesis in the present procedure, as well as five articles.

The quality and the quantity of the presented scientific production prompt a conclusion for its compliance with the minimum scientometric requirements according to the Development of Academic Staff in the Republic of Bulgaria Act and the Rules for its implementation.

The habilitation work presented for participation in the competition is the first monographic study in our country dedicated to criminal mental impact. The choice of the topic shows the breadth of the candidate's scientific view and creative courage. However, these are not the only virtues of his work. The problems reviewed in the research concern both the special part of the Penal Code and a number of institutes of the general part. All of them have been clarified in good faith and competently, discussion questions have been raised and an approach to resolving them has been proposed. The style is strictly scientific, with a clearly specified position of the author and should be assessed positively. I consider the writing to be properly structured.

The monograph has a volume of 268 pages, the scientific apparatus covers a convincing volume of literature in Bulgarian, English and Russian. The references under the line are 263.

The work is concise and shows both the rich general culture of the candidate for the academic rank, and the necessary level of knowledge and understanding of criminal law. The approach is interdisciplinary: both historical and psychological aspects of the topic are reviewed, which justifies the conclusion of the study's depth and comprehensiveness. The work is immaculate from a purely editorial point of view. The overall impression is strongly positive.

The exhibition is very focused, the author has not allowed even the slightest deviation from the topic. Many interesting conclusions, which are an indisputable contribution, concern the differentiation of the mental impact of direct and indirect. The mechanisms of this impact on the person - subject of the crime - according to the ways of perception of external irritation - visual, auditory, tactile, gustatory or olfactory are explained. The term "hidden mental impact" is derived from the situation when the executive act of the crime is described as a form of physical impact, but for the composition or the customization of the punishment are considered relevant mental processes formed in the victim or in another person - subject of the crime.

The analysis made by the candidate regarding the indirect perpetration is a contribution presented both in the monograph and in one of the articles. Very

interesting are the conclusions about the case when juvenile used as an instrument of the mediocre perpetrator do not act exactly according to the instructions of the criminally responsible person but express "own will". Also, another interesting point is the emphasis on confusing the actual commission with the activity of the mediocre perpetrator, which is common. Dr. Manov formulates the question about the mental impact in the light of physical injuries, which hasn't been clarified in theory so far. The candidate addresses another very serious problem with practical dimensions related to crimes with such object, which exclude the constitution of a victim, e.g. Art. 286, 249 Penal Code and others. Important are also the conclusions about crimes related to criminal mental impact on those not in sound mind, and more precisely the content of what they do not understand - whether this is the act committed by the perpetrator, or committed by themselves, or by both.

I also liked the study of the relationship between the severity and the social danger of the act committed by separate accomplices and especially the abettor-perpetrator relationship; the issue of "one-way intent" on the part of the accessory without the perpetrator being aware of the assistance provided to him; the emergence of intent, first in one of the accomplices, who acts as abettor of the others.

Another impressive accomplishment is the reasoning revolving around the impact on the undercover employee when they are the object of mental impact, combining features of persuasion and coercion, as well as the need to limit the range of crimes that fall within the scope of Art. 16a of the Penal Code. Another scientific contribution is the classification of the compositions, according to their fitting in one of the following categories: 1. motivating crimes, where the individual at the receiving end of mental impact is motivated to adopt certain behavior - a) crimes motivating subsequent criminal or other illegal activities; b) crimes motivating another kind of behavior, and 2. crimes causing certain mental state or experience in the perceiver. In view of this classification, the features of some typical for each category of crimes are analyzed.

The provided argumentation for how to distinct between the forms "preach" and "incite" of the executive act is extremely thoughtful.

The issues related to the crime of bribery associated with extortion by an official and the possible combination of persuasion and intimidation used to provoke bribery, and the cascading psychological impact of bribery mediation, have been successfully analyzed. Finally, the author's reflections on the justification of the perpetrator's liability for mental impact, which has led to a

physically manifested result, are interesting, leaving aside, of course, the issue of proof in such cases.

I do not know Dr. Manov personally, only indirectly - from his works.

I accept that the scientific production presented by the candidate satisfies the requirements of Development of Academic Staff in the Republic of Bulgaria Act and the regulations for its implementation. Given that, I believe that the scientific jury, of which I am a member, should decide to award the academic rank "Associate Professor" in Criminal Law at the Criminal Law Department at the Faculty of Law of Sofia University "St. Kliment Ohridski" to Ch. Asst. Prof. Dr. Krasimir Nikolov Manov. I will vote in strong support for this.

March 7, 2021

Varna

Assoc. Prof. Dr. Juliana Mateeva