

OPINION

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Concerning the materials submitted for participation
in the competition for the academic position of associate professor
in the Faculty of Law at Sofia University "St. Kliment Ohridski"
in the field of higher education, 3. Social, economic, and legal sciences,
professional field 3.6 Law
(Constitutional Law)

In the competition for "associate professor" for the needs of the Law Faculty of Sofia University "St. Kliment Ohridski", announced in the State Gazette, issue 65 dated 28.07.2023, the only candidate participating is Plamena Dimitrova Penova.

1. General Outline of the Procedure

By order No. „РД-38-485/08.08.2023“ of the Rector of Sofia University "St. Kliment Ohridski" (SU), I have been appointed as a member of the scientific jury for a competition for the academic position of "Associate Professor" in the field of higher education 3. Social, economic and legal sciences, professional field 3.6 Law (Constitutional Law), announced for the needs of the Faculty of Law.

The only candidate who submitted documents for participation in the announced competition is Plamena Dimitrova Penova from the Faculty of Law at Sofia University "St. Kliment Ohridski".

The materials presented by chief assistant prof. (CAP) Plamena Dimitrova Penova comply with the Rules on the Conditions and Procedure for Acquiring Science Degrees and Holding Academic Positions at Sofia University "St. Kliment Ohridski". At its first meeting, held on 10.10.2023, the scientific jury decided that chief assistant prof. Plamena Dimitrova Penova meets the minimum required points according to the set of indicators provided in the Regulation for the implementation of the Law for the development of the academic staff in the Republic of Bulgaria and, on this basis, is eligible to participate in the competition for the academic position of "Associate Professor" in professional field 3.6 Law (Constitutional Law).

2. Candidate Brief

Plamena Dimitrova Penova was born on June 24, 1981. She completed her secondary education at the "Goethe" German-language high school in Burgas. She obtained a higher education degree in Law from the Law Faculty at Sofia University "St. Kliment Ohridski".

Plamena Penova was a doctoral student in Constitutional Law at the Faculty of Law at Sofia University "St. Kliment Ohridski". She obtained a PhD in Law in 2013. She is currently a chief assistant professor at the Faculty of Law at Sofia University "St. Kliment Ohridski" and at the Academy of the Ministry of Interior. She is registered as a lawyer at the Burgas Bar Association.

Evidently, from the presented biography CAP Dr. Plamena Penova's teaching and scientific activity is in the field of Constitutional law. She has public activity related to her professional and academic orientation. The candidate has extensive experience in teaching, which is a prerequisite and a guarantee for the good quality of practical and theoretical classes with students.

CAP Dr. Plamena Penova is an established academic lecturer. During the years she has worked at the Faculty of Law at Sofia University, she has trained many young lawyers, introducing them to the intricacies of legal matters, which serves as a major contribution to the legal sphere and its good traditions.

3. General Characteristics of the Habilitation Thesis of the Candidate

The habilitation thesis that CAP Dr. Plamena Penova presented for participation in the competition is titled "The Council of Ministers in the Bulgarian Parliamentary Model" (Burgas, "Baltika-2002" Publishing House, 2023, ISBN 978-619-7353-73-0). In terms of its volume, topic, and presence of a scientific editor (Assoc. Prof. Dr. Kapka Georgieva-Atanasova), the work meets the formal requirements for the scientific category of "monograph", regulated in §1, item 10 of the additional provisions of the Law on Development of The Academic Staff in the Republic of Bulgaria.

The presented monographic work is a volume of 556 pages and consists of an introduction, four chapters, a conclusion, and a bibliography. The book examines the Council of Ministers and its function in the Bulgarian parliamentary model adopted by the Constitution of the Republic of Bulgaria in 1991.

The author emphasises in the introduction the multifaceted character of the government, the need to study not only the theoretical but also practical dimensions of government activity, and the need for research on the interaction of the Council of Ministers with public institutions in the parliamentary model of the Republic of Bulgaria.

The first chapter of the monograph is devoted to the constitutional model of republican parliamentary governance in Bulgaria. The author examines the theoretical foundations of the forms of state governance, their main varieties, and the notion of "parliamentary governance". The analysis of the constitutional and legal framework related to the interaction between the Council of Ministers, parliament, the head of state, the judiciary, and the Constitutional Court deserves attention. The dynamic nature of the relationships between the institutions of public authority and the role of the Council of Ministers in these relationships are highlighted.

"The Constitutional Position of the Government" is the title of the second chapter of the monograph. It explores the concept of the government, examining the characteristics of terminology related to the government and the executive branch within the context of the researched topic. The chapter presents a detailed analysis of the procedure for forming the Council of Ministers in Bulgaria and its particularities within the current parliamentary model. It also examines various types of governments and analyses their characteristics, including the duration of their mandates, the structure, and the composition of the government. The author also pays special attention to the constitutional and legal status of the members of the Council of Ministers.

Chapter three of the monograph focuses on the functions and powers of the Council of Ministers. It contains a detailed analysis of the government's legal acts - their types, characteristics, and peculiarities. Emphasis is placed on procedural aspects of the organisation and activities of the Council of Ministers. The procedures according to which the cabinet functions as a collegiate body and the ways in which it makes decisions and adopts its acts are examined. This part of the exposition contains a detailed analysis of the legal framework, and corresponding solutions are proposed.

Chapter four is named "Responsibility of the Government". In it, the author examines the institutional parliamentary control and its various forms established in the legal system of the Republic of Bulgaria, which is traditional for parliamentary governance. Special attention is also given to the political responsibility of the Council of Ministers. The exposition presents an analysis of the individual responsibility - political and legal - of each minister.

In the conclusion of the monograph, the author presents the most important conclusions from the analysis of the functioning of the government in the Bulgarian parliamentary model contained in the study.

I conclude that the presented monograph is in line with its intended purpose of outlining the role of the Council of Ministers in the Bulgarian parliamentary model - in this sense, the habilitation work of CAP Dr Plamena Penova contains several scientific achievements.

Versatility, in-depth explanations and analyses and scientific integrity characterise the development of the individual chapters.

The comprehensiveness and broad framework in which problems are examined represent a contribution to Constitutional Law and a favourable learning environment for students.

The conclusions reached by the author in the work represent a highly informative contribution to science. Good legal language distinguishes the habilitation thesis; it is written concisely and with erudition, and the content of the individual chapters testifies to in-depth knowledge, scientific and legal thinking, and the author's ability to analyse the subject matter under study and synthesise conclusions and recommendations with insight and analysis of scientific problems. The habilitation thesis of CAP Dr. Plamena Penova represents a scientific study of a fundamental question in Constitutional law; the study is on a broad basis, made with expertise and erudition.

4. Other Publications About the Candidate in Relation to the Competition

In addition to the habilitation thesis "The Council of Ministers in the Bulgarian parliamentary model" (Burgas, "Baltika-2002", 2023, ISBN 978-619-7353-73-0), CAP Dr. Plamena Penova participated in the competition with nine publications. They have been published in legal journals and collections, namely:

Normative Acts of the Council of Ministers. Essence and Characteristics. In: Constitutional Studies 2018. Current trends in the Democratic Constitutionalism. St Kliment Ohridski University Publishing House, C., 2021, 135 - 149, ISBN 978 - 954 - 07 - 5183 - 2.

„ Constitutional principles and their reflection in the local self-government in Bulgaria, In: Application of constitutional principles in public and private law: jubilee international scientific conference, on the occasion of 25 years of the Faculty of Law of VTU "St. St. Cyril and Methodius" and 25 years since the adoption of the Constitution of the Republic of Bulgaria, 6-7 Oct. 2016., University Press. "St. St. Cyril and Methodius, V. Tarnovo, 2017, 165-174, ISBN 978-619-208-118-8.

Constitutional Legal Aspects of Parliamentary Immunity. In: Constitutional Studies 2014-2015. 25 years of democratic transformation in the Republic of Bulgaria; St Kliment Ohridski University Publishing House, C., 2017, 432-451, ISBN 978 - 954 - 07 - 4298 - 4.

On the Election of Mayors in the Bulgarian Model of Self-Government, Constitutional Studies 2014-2015. 25 years of democratic transformation in the Republic of Bulgaria. St Kliment Ohridski University Publishing House, C., 2017, 157-175, ISBN 978 - 954 - 07 - 4298 - 4.

Local Self-Government during the Tarnovo Constitution, 135th Anniversary of Adopting Tarnovo Constitution, Collection of Scientific Conference dedicated to the 135th Anniversary of the Tarnovo Constitution, edited/compiled by Prof. Vasil Machkov, Sibi, 2014, 299-311, ISBN: 978-954-730-891-6.

Immunity of Political Representatives - comparative aspects and contemporary trends, Constitutional Legal Studies, 2017. "Post-Democratic Constitutionalism", St Kliment Ohridski University Publishing House, C., 2021,, ISBN:978-954-07-5179-5, c. 135-161.

Immunity in the Valid Constitutional Law of the Republic of Bulgaria - types and legislation, Constitutional Studies 2016, 70th Anniversary of the Republic, St Kliment Ohridski University Publishing House, 2018, 126-162, ISBN:978-954-07- 4556-5.

Constitutional Guarantees of the Right of Local Self-Government, Constitutional Studies 2012-2013; Statutory Constitutional Protection of the Main Rights and Freedoms, St Kliment Ohridski University Publishing House, C., 2014, 341-366, ISBN:978-954-07-3786-7.

Termination of the mandate of the National Assembly, Law Journal of NBU, ISSN 1314-5797.

The publications of CAP Dr. Plamena Penova address questions and legal constructions related to the fundamental topics of constitutional law. As a general characteristic of the publications submitted by Dr. Penova for participation in the competition, it should be noted that the topics developed therein are significant for the essence of the state and the law. They have been deeply and extensively researched, with knowledge not only of the traditions of theory but also of the practice of other countries, with the characteristic scientific precision and thoroughness of the author. They disseminate knowledge and culture.

Another positive fact must be noted in relation to the publications of CAP Dr. Plamena Penova - a number of authors have quoted her in multiple publications - which once again demonstrates the significance of the candidate's scientific output.

5. Notes and Recommendations

Significant amounts of historical facts related to the issues discussed in some chapters are included in the habilitation work, which could be slightly reduced in certain parts of the work, given the focus of the research on the Council of Ministers and its functioning within the Bulgarian parliamentary model adopted with the Constitution of the Republic of Bulgaria from 1991.

Regarding the conclusions made in the monograph, it can be stated that some of them are well-argued, but others could benefit from additional legal reasoning.

A technical note: some of the underlined references are not formatted according to bibliographic citation standards.

The mentioned notes and recommendations cannot change the conclusion that the candidate, CAP Dr. Plamena Penova, possesses sufficient scientific and teaching qualities to obtain the academic position of "associate professor."

6. Conclusion

The documents and materials presented by CAP Dr. Plamena Dimitrova Penova meet the requirements of the Law on the Development of Academic Staff in the Republic of Bulgaria (LDASRB), the Regulations for the Implementation of LDASRB and the Rules on the Conditions and Procedure for Acquiring Science Degrees and Holding Academic Positions in Sofia University "St. Kliment Ohridski". The candidate has presented a sufficient number of scientific papers published after the materials used in the defence of her doctoral dissertation. The candidate's works have scientific and applied contributions that have been recognised, with a representative part of them being published in journals, scientific collections, and independent editions. The theoretical developments of Dr. Penova have practical applicability, with some of them directly oriented towards teaching. The scientific and teaching qualification of CAP Dr. Plamena Penova is undisputed.

The results achieved from it in educational and scientific research activities correspond to the specific requirements of the Rules on the Conditions and Procedure for Acquiring Science Degrees and Holding Academic Positions in Sofia University "St. Kliment Ohridski".

After reviewing the materials and scientific works presented in the competition, analysing their significance and the scientific and practical contributions contained therein, I find it justified to give my positive evaluation and recommend to the Scientific jury to prepare a proposal report to the Faculty Council of the Faculty of Law for the election of CAP Dr. Plamena Dimitrova Penova to the academic position of "Associate Professor" at Sofia University "St. Kliment Ohridski" in Professional field 3.6 Law (Constitutional Law).

Statement author:

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Plovdiv