

OPINION

by **Ass. Prof. Ralitsa Yankova Ilkova-Petkova, PhD** – member of the academic jury in the competition procedure for the acquisition of the academic position ‘Associate Professor’ in the field of higher education ‘Social, Economic, and Legal Sciences’, professional field 3.6 ‘Law’, academic specialty ‘Criminal Law’ as announced in SG Issue No:24/17.03.2023 for the purposes of the Law Faculty of the Sofia University ‘St. Clement of Ochrid’, with candidate
Ch. Ass. Iva Dimitrova Pushkarova, PhD

I. Information on the Competition Procedure

The competition procedure for acquisition of the academic position ‘Associate Professor’ in the field of higher education ‘Social, Economic, and Legal Sciences’, professional field 3.6 ‘Law’, academic specialty ‘Criminal Law’ is announced in SG Issue No:24/17.03.2023 pursuant to a decision of the Faculty Council of the Law Faculty of the Sofia University ‘St. Clement of Ochrid’. One candidate participates in the competition – ch. ass. Iva Dimitrova Pushkarova, PhD.

I have been appointed by virtue of Sofia University Rector’s Order No: RD 38-182/21.04.2023 internal member of the academic jury responsible for the competition procedure for the academic position ‘Associate Professor’ in professional field ‘3.6. Law’ (‘Criminal Law’). Pursuant to Protocol No 1 of the jury’s meeting held on 18.05.2023 I have been assigned to prepare the Opinion which I hereby present.

II. Presentation of the Candidate

Iva Dimitrova Pushkarova graduated as a master in law from the Sofia University ‘St. Clement of Ochrid’. She specialised English and EU law in the University of Cambridge. In the period 2007–2011 she consecutively occupied the positions of ‘assistant’, ‘senior assistant’ and ‘chief assistant’ in the Department of Criminal-Law Studies in the LF of the Sofia University ‘St. Clement of Ochrid’. In 2008 she assumed the academic title ‘doctor’ after having defended her PhD thesis entitled ‘Forms of Organised Crime under the Criminal Code of the Republic of Bulgaria’.

The candidate has an impressive lecturing practice. Since 2007 she has been conducting ‘Criminal Law – General Part’ and ‘Criminal Law – Special Part’ seminar classes in the ‘Law’ specialty of the Law Faculty in the Sofia University ‘St. Clement of Ochrid’ with full auditory work load, and for different periods since 2009 – she has also been leading the lecture courses on ‘International Criminal Law’ and ‘Basics of International Criminal Law’ in the specialties ‘Law’ and ‘International Relations’. Since 2020 she has been conducting the course ‘Crimes Affecting the International Security’ within the

‘International Security’ Master Programme of the SU Law Faculty, and since 2021 she has been supervising foreign students who prepare master theses within the European Master’s Programme in Human Rights and Democratisation. Apart from this she actively participates in regular semester exams, written state exams, entry exams, trainings, and practices, and organizes various extracurricular formats for additional professional qualification of the students. Since 2011 she has also been teaching ‘Criminal Law - General and Special Parts’ in the Ministry of Interior Academy, since 2012 as Associate Professor.

Iva Pushkarova is a well-recognised academic lecturer in 16 years with exceptionally good reputation who commands undisputed respect among the academic community, both at home and abroad. She is held with exceptionally high esteem and regard by the law students as a response to the energy, enthusiasm, and dedication she invests in her work with them, her skills to invoke their interest and to motivate them to learn which she does with much affection, purposefulness, and devotion. Considering this, I do most firmly believe that the candidate is a lecturer of very high academic standing who is exceptionally well-prepared and competent for the academic position ‘Associate Professor’ for which the competition has been announced. Since 2017 she has also been a guest-professor in the National Institute of Justice where she conducts various specialised courses which are always massively attended.

The candidate has a distinguished a career in other spheres as well. She has been an expert or a manager of over 100 study projects of Bulgarian and international organisations and institutions, including the European Commission on issues of the judicial and constitutional reform in Macedonia (2004), study missions assigned by the European Commission for monitoring and evaluation of projects financed by PHARE Program in Bulgaria (2010), by the World Bank group on issues of the legal and judiciary reform in Bulgaria, Croatia, Russian Federation (2007 - 2009), by the Ombudsman of the Republic of Bulgaria (2007 - 2008), by the CoE on the reform of criminal and administrative justice systems in Ukraine (2016-2019), by the CoE on the reform of the Criminal Code of Georgia (2014 - 2019), by the CoE on the reform of the criminal justice system in Montenegro (2019-2021), by the Siracusa International Institute on Criminal Justice and Human Rights on issues of transnational crime (2017-2020), by the European Commission on programs for assessment of the transposition of EU directives in the fields of criminal law and procedure and human rights (since 2019).

In the period 2012 - 2017 she was Head of the Pardons Committee with the President of the Republic of Bulgaria, where she had introduced reforms later recognised as best practice by the ECtHR (Decision on the Case ‘Harakchiev and Tolumov v. Bulgaria’).

Iva Pushkarova actively works in the non-governmental sector. In the period 2003 - 2011 she was Executive director of the Bulgarian Judges Association; since 2012 she has been President of the Board of Directors of the study center ‘Justice Development

Foundation and a criminal-law expert in the foundation's study projects; she has also been working on research projects implemented by a number of other NGOs. In this capacity she has gained a reputation of a colleague of competence and principle who devotedly contributes to strengthening of the rule of law and the best European practices in the fields of criminal law and human rights.

Iva Pushkarova is the leading author of the 2009 - 2010 State Concept for Criminal Policy, the 2009 State Concept for New Criminal Code and the 2011 State Concept for State Policy in Respect to Juvenile Justice, as well as member in the Minister of Justice 2009-2011 Working Group on Drafting of New Criminal Code. She regularly participates in the drafting of a number of normative acts in the field of criminal law and judiciary issues, thus substantially contributing to the evolution of the legislation and the implementation of the scientific achievements in the state regulations.

The candidate is a distinguished scientist in the field of criminal law. She is the author of over 150 publications on issues of organised and transborder crime, human trafficking, sexual crime, financial and economic crime, discrimination and hate crime, prostitution and criminal exploitation, juvenile crime and crimes against children, juvenile justice system, extreme crime, corruption, system of penalties, pardons, constitutional issues of Judiciary, etc., among which are 8 books, 29 book chapters, 47 articles in scientific periodicals, 24 articles in scientific volumes with references, 3 textbooks, 57 conference articles. She has published 4 monographies: 'Forms of Organised Crime under the Bulgarian Criminal Code' (2011), 'Human Trafficking' (2012), 'Pardon in Bulgarian Criminal Law and the Practice of the Head of State' (2020) and 'The Criminal Response against Exceptionally Grave Criminality - Death Penalty, Life Imprisonment and Life Imprisonment without Commutation in Bulgaria' (2021). She is an editor to collection of articles from conferences organised by the Department of Criminal-Law Sciences in the Sofia University Law Faculty. She participates in numerous academic and research conferences. The scientific production of the candidate is spectacular and without analogue in the contemporary criminal-law science.

Iva Pushkarova's academic interests lie predominantly in the field of Criminal law. Apart from her monographies, all of which frequently cited in the scientific literature, the general review of her scientific achievements commands attention over some works although they have not been presented for review: 'The Paradox of Privilege in the Totalitarian State', ASET, Dec. 2010; 'The Criminal Code between 1968 and 2018: between the Legislator and the Social Realities'. - In: Society and Law, Issues 2 and 3/2019, p. 3-30, p. 21-34; 'Scope, Aims, Substantial and Procedural Legal Aspects of Financial Profiling. Guidelines', SJC, 2015; 'Tax Crimes under Articles 255-255A and Article 256 of the Criminal Code: Some Jurisprudential Issues'. - In: Contemporary Law, Issue 2/2015; 'Motivation in Discrimination Crimes. Distinction from Hooligan and Personal Motives'. - In: Contemporary Law, Issue 5; 'Criminal Schemes and

Judicial Practices against Money Laundering. Distinguishing Money Laundering from Similar Crimes and from Predicate Activities'. - In: Thesa Periodical, Issue 8-9/2014.

Iva Pushkarova does not only meet but in fact far exceeds the national minimal requirements for the assumption of the academic position 'Associate Professor' in the Sofia University as established by the LDAPRB (Article 2b) and its Enforcement Regulation (Article 1a, subparagraph 1). As it follows from the National Requirements Satisfaction Check-List under Article 2b LDAPRB for scientific field 3. Social, Economic and Legal Sciences, professional field 3.6 'Law' (Criminal Law), ch. ass. Pushkarova, PhD, gathers the following numbers of metric points per group of indicators as established by the ERLDAPRB: indicators' group A - PhD thesis for the educational and academic title 'Doctor' - 50 points; indicators' group B - habilitation thesis: monography - 100 points; indicators' group C - scientific publications - 180 points; indicators' group D - citations (references) - 145 points. The total number of metric points from the standpoint of the quantitative indicators in Groups A + B + C + D is 475 points.

III. Presentation of the Publications Presented for Review

In this competition procedure the candidate Iva Dimitrova Pushkarova presents for review: the **monography** 'Pardon in the Bulgarian Criminal Law and in the Practice of the Head of the State'. Sofia: Siela, 2020, p. 407, ISBN:978-954-28-3245-4; **the studies** 'Abduction in Cummulation With Other Crimes: Jurisprudence Problems Of Legal Qualification And Penalty Individualisation'. In: Annual Of Sofia University „St. Kliment Ohridski“. Faculty of Law, Sofia, 2021, Vol 87, p. 116-152, ISSN:0081-1866; 'Serial Crime In Bulgaria: Criminological Characteristic And Judicial Practice'. In: Annual Of Sofia University „St. Kliment Ohridski“. Faculty of Law, Vol 88, p. 104-134, ISSN (print):0081-1866; and 'Recovery and Reflection Period Granted By The International And EU Law To Victims Of Human Trafficking: European Practice'. In: Annual of the Ministry of Interior Academy, Sofia, MoIA, 2020, Vol. 31, p.67-10, ISBN: 1312-6415; **as well as the articles**: 'Maritime Piracy as an International Crime. Differentiation from Similar Crimes under the National Law'. - In: Jus Romanum: Mare Nostrum, Sofia, Sofia University "St. Clement Ohridski", 2021, p. 456-472, ISSN (online):2367-7007; 'Pardoning According To the Law of Men and God: A Glance At The Influence Of The Christian Ethics And Doctrine Over Granting Of Supreme Mercy'. - In: Law and Religion, Collection of Reports, Sofia, Sofia University "St. Clement Of Ochrid", 2021, p. 347-360, ISBN:9789540751337; 'Pardon In Roman Legal Tradition'. - In: JusRomanum, Sofia, Sofia University "St. Clement Ohridski", 2020, Vol. 2, p. 721-741, ISSN (online):2367-7007; 'Adaptation Of Penalties Imposed By A Foreign Court Within Transfer Procedures Of Bulgarian Nationals'. - In: Scholarly Readings: Predictability of Law. Collection of the reports. Sofia University "St. Clement Ohridski", 2021, p. 241-254, ISBN: 9789540754789; 'Criminal Repression Established For

Preventive and Regulative Purposes: Issues In Cases Of Criminal Protection Of Administrative Regulations And Duplicating Administrative And Criminal Offenses'. In: 50 Years Administrative Offences and Penalties Act - History, Traditions, Future. Collection of the reports. Sofia University "St. Clement Ohridski", 2020, p. 228-240, ISBN:9789540749754; and 'Schemes Of Financial And Economic Crime In Europe: Bulgarian Judicial Practice'. - In: European Prospects For the Development of Criminal Legislation. Collection of the reports. Sofia University "St. Clement Ohridski" Press, 2014, p. 96-110, ISBN: 9789540737225

The works under review are continuation and development of the candidate's scientific pursuits in criminal-law matters. All publications presented belong to the field of Criminal Law, for which the competition has been announced.

Among the academic production of the candidate specific is the place of the presented habilitation thesis - **the monography 'Pardon in the Bulgarian Criminal Law and in the Practice of the Head of the State'**. The monography is an original product which contains valuable scientific achievements.

The research is based upon a detailed and systematized comprehensive analysis of the entire pardon practice as developed within the periods 2002–2020 and 1945–1995, the relevant jurisprudence and case law of the Constitutional Court and the European Court of Human Rights, as well as the Bulgarian and foreign scientific literature dedicated to pardon and related issues. The work has an expressly scientific value but with definitely high practical significance as well.

The research is structured in an introduction, five chapters and a conclusion.

The first chapter summarizes the fundamental features of the pardon as an institute of the criminal law, including its legal effects, procedures for issuing and implementation of the pardon edicts by the head of the state, the general requirements for the exercise of the powers of pardon, and the variety of restrictions to which it is subjected. The general criteria guiding the decision-making upon a petition for pardon have also been outlined. A number of possible complications have been discussed, *inter alia*, in respect to multiple penalties, to conviction for multiple crime and to execution of penalties, imposed by foreign courts. The national model has been discussed in comparative and historical contexts and criteria for the assessment of the effectiveness of the pardon systems have been outlined.

The second chapter is dedicated to the types of pardon which have been subjected to a comparative analyses in relation to their grounds, restrictions, and scope. The legal effect of each type of pardon is outlined separately and in competition with other types; differentiation criteria have been established to allow solutions in borderline cases. Of especially high significance is the outlining of the typical legal effects in relation to each type and in correlation to the general legitimate goals of the penalty.

The third and the fifth chapters study pardon respectively according to the type of the penalty and in respect to violations of fundamental legal principles – legality of the offence and the penalty, prohibition of retroactive implementation of the criminal law, expedience (capacity to achieve legitimate goals) and proportionality of the penalty, equality before the law, best interest of the child, humane-treatment principle. The analyses present in depth the actual and the potential application of pardon in cases of different penalties, while the latter are compared according to their goals, conditions and peculiarities affecting their execution. Detail consideration has been given to the concept, the features, the types and the criteria to assess the correctional process which accompanies the penalties of imprisonment and these criteria have been linked to the grounds justifying pardon. Various cases of violations of fundamental principles have been discussed together with the possible usage of pardon as a remedy.

The fourth chapter presents distinctions between pardon and alternative regular instruments for alleviation of the penalty's gravity with which pardon usually competes – conditional imprisonment, conditional preliminary release, special institutes for juvenile offenders, substitution of life imprisonment with imprisonment, delay and suspension of the execution of the penalty, amnesty, and etc.

The Conclusion outlines in brief the basic results of the study and formulates the most significant conclusion.

The published book is 407 pages; the bibliography contains references to 101 titles (67 in Bulgarian and 34 in a foreign language); the footnotes are 381 in total; all citations have properly been made; the relevant legal acts and judicial case law are also properly referred to. *De lege ferenda* proposals have been suggested.

In the present competition the candidate has additionally presented 3 studies and 6 articles published in reviewed collection volumes.

In the study entitled '*Abduction in Cummulation With Other Crimes: Jurisprudence Problems Of Legal Qualification And Penalty Individualisation*' the author analyses a number of peculiarities of the *modus operandi* and criminal-motivation mechanisms of the crime of abduction under Article 142 of the Criminal Code. These peculiarities complicate the crime's correlation with other types of crime, with which it is often committed in combination - extortion, robbery, murder, illegal detention, sexual crimes, taking hostage, human trafficking, criminal exposure to risks of harm to life or health, and etc. Judiciary response is thoroughly studies and reaches the substantiated assessment that it is partial and controversial. The study identifies and studies in detail various problems which are faced by the practice, and suggests solutions to remedy them based on multidisciplinary analytical methodologies.

The study entitled '*Serial Crime In Bulgaria: Criminological Characteristic and Judicial Practice*' presents a typology of the serial-crime cases known to the Bulgarian judicial practice, based on a combined criminological, legal, psychological and historical

analysis and analysis of convicts' development during penalty execution according to OASys system of recidivism-risk assessments. The factors and general features of serial crime, the perpetrator's profile and the motivation and perpetration mechanisms of the series have been identified out of case-by-case study, and criteria for recognition of the phenomenon in bordering cases have been established. The judicial response has been analysed and complications in the legal qualification and the penalty individualization discussed.

In the study entitled *'Recovery and Reflection Period Granted By The International And EU Law To Victims Of Human Trafficking: European Practice'* the author analyses the supranational standard of RRP and the national response to it by comparing the approaches of 27 Member-States to the CoE Convention against Human Trafficking. They are selected according to their location on the main roads of trafficking to and within Europe and as representatives of a variety of legal systems and traditions, and practices towards victims. The models are analysed as systems of legal solutions in a certain criminal, victim-related, institutional and legislative context with a focus on the model overall outcomes in an effort to contribute to the legislative conceptualisation of the RRP and the practice on cases with international element.

The study entitled *'Maritime Piracy as an International Crime. Differentiation From Similar Crimes Under The National Law'* is dedicated to the international crime of maritime piracy. It outlines the crime's general legal and criminological characteristic, provides criteria for its legal qualification and differentiation from robbery, maritime crimes, war crimes, terrorism and other crimes. The article provides insights on piracy's development as a criminal phenomenon.

In the article entitled *'Pardoning according To the Law of Men and God: A Glance at the Influence of the Christian Ethics and Doctrine over Granting of Supreme Mercy'* Iva Pushkarova studies the potentially surviving presence of Christian ethics and remnants of theological interpretations of mercy, sin and remorse which have survived in the background of the secular pardon and the goals of the penalty.

Study-matter in the article entitled *'Pardon in Roman Legal Tradition'* is the scope of application, the legal effects, and the legal and political concept of pardon as an instrument for full or partial abolition of an imposed penalty in Ancient Rome Empire. The author outlines permanent characteristics of pardon which have survived to the present times and features which have changed, together with the change-related factors.

In the article entitled *'Adaptation Of Penalties Imposed By A Foreign Court Within Transfer Procedures Of Bulgarian Nationals'* the author analyses the substantial-law aspects of the adaptation of life penalties imposed by a foreign court when the sentence is accepted for execution by a Bulgarian court within a procedure of transfer of convicted Bulgarian nationals. Based on case study and comparative analysis of foreign and

domestic legislation the article identifies and provides arguments for adaptation criteria in complicated cases where the two penalties do not correspond in terms of execution regimes or gravity.

The article entitled *'Criminal Repression Established For Preventive And Regulative Purposes: Issues In Cases Of Criminal Protection Of Administrative Regulations And Duplicating Administrative And Criminal Offenses'* is dedicated to the processes of overcriminalisation and inflation of criminal legislation, the principles of social dangerousness and injury as grounds for criminalisation and penalization, issues of penalty's proportionality and *mens rea*, comparisons between penal and administrative response to a wrong, the respective legislative techniques, and their consequences.

In the article entitled *'Schemes of Financial and Economic Crime in Europe: Bulgarian Judicial Practice'* the candidate outlines the types and development of financial and economic crime schemes in Bulgaria since 1990 and their dependence on legislation and judicial practice. She briefly characterises the legislative policy and its potentials to impact crime rates, as well as the economic effects of criminal schemes and some of the major challenges faced by the judiciary – criminal relevance of the validity of contracts, abuse of economic freedom, causal links between criminal acts and material injuries, sources of perpetrator's official duties, recognition of personal liability behind collective conduct.

IV. Assessment of the Scientific and Scientific-and-Practical Outputs of the Habilitation Thesis

The monography constitutes by all means an undoubted and substantial achievement for the criminal-law theory.

The topic of the habilitation thesis has an acute present-day relevance, especially when considering that for the last 20 years and more there have been no specialised scientific studies on pardon in Bulgaria despite the 2006 changes in pardon's legal regulation, the 2002 and 2004 changes in the system of penalties, the emergence of new case law of the Constitutional court on issues of pardon (CC Decision № 6/2012) and the abundant case law of the Pardons Committee.

It must be noted that one of the basic achievements of the work is that it presents for the first time in science a complete content, evaluation, comparative and statistical analysis of the entire practice on pardon as developed since 1945. Thus it is the first time in the scientific literature that a complete and integral typology of the solved pardon cases has been created while such typology still does not exist in the relevant foreign studies. By this achievement the habilitation thesis reaches decisive significance for the functioning of the Pardons Committee because it establishes an easy-to-apply, well-substantiated and legally justified universal framework for solving cases which also includes descriptions of systems of approaches subjected to a uniform concept.

The analyses are also significant to broader professional and lay target groups who are interested in issues of pardon.

Outlined is the evolution of the legal concepts about the restrictions and grounds for pardon, which follows its gradual transformation from an expression of the personal morals of the head of the state towards a legal institute, based on objective standards of decision-making and decision-issuing. The factors which impact the normative and practical model of pardon have been scrutinized separately and in their correlation, based on which a system of criteria for assessing their impact has been established and defended; the historical development of the institute has been divided in periods.

A concept of exceptionality of pardon has been developed, supplemented by a system of criteria and demonstrated as an applicable standard in case-examples from the practice. In this connection a uniform methodology has been developed to allow recognition of exceptionality in various fact situations. This achievement also bears huge practical significance for the holder of the right to pardon and the pardons committees because it substantially smooths the process of reaching principle-based and consistent decisions with predictable effects.

A classification of the types of pardon has been defended according to a complex criterion which includes the impact over the legal relations of penalty execution and the past-conviction status of the person with respect to the type of the penalty. Based on this, for each type of pardon a separate system of minimal criteria and approaches is established, which also constitutes a standard of proof when pardon is justified. A methodology for comparing the effects of the different types of pardon in similar and various fact situations has been constructed.

Especially valuable is the author's contribution in respect to the analyses of pardon via substitution of life penalties, as this type of pardon has been introduced in 2006 for the first time since 1951. A special standard of pardon is defended in respect to persons serving life imprisonment without commutation based on indications of correction. A thesis is substantiated that this type of pardon is limited to the right of the head of the state to only substitute the penalty with the next more lenient one and in this connection the borderline with the full pardon as full remission of the unserved part of the gravest penalty has been clarified.

Especially valuable is the argumentation of the priority of the regular institutes for alleviation of the penalty over pardon, *inter alia*, conditional imprisonment, conditional preliminary release, judicial substitution of life imprisonment under Article 38A, subparagraph 3 of the Criminal Code, delay and suspension of the penalty's execution, instruments of the progressive system of penalties' enforcement, special institutes applicable to juveniles, and etc. The work also contributes to the solution of problems faced independently by these institutes.

The work contributes to the conceptual distinction of pardon and amnesty and enriches the criteria for determination of their scopes of application. Based on the practice of implementation of both institutes, doctrinal conceptions for amnesty which in fact restrict its scope in comparison to its real-practice application have been rectified. The phenomenon of 'collective pardon' which is not normatively established in Bulgaria has been identified as used in practice and defined by its features.

The research is contributive also in the identification of the conditions and circumstances where grounds for pardon may potentially ever emerge with the different penalties and at different stages of their execution. The isolation penalties towards which pardon finds its broadest application have been compared according to their goals, imposition requirements, basic principles, and individualisation rules, but above all according to their peculiarities during implementation. To this end an innovative multidisciplinary methodology has been suggested. The results of this analysis have been integrated in the methodologies for assessment whether and how the right to pardon should be used. These issues which are of direct consequence also to the judicial practice on implementation of grave penalties and their follow-up alleviation, have been associated with the different profiles of perpetrators for which the respective type of penalty is appropriate. Defended is the inapplicability of pardon towards penalties of 'immediate execution', such as the penalty of fines - which has been substantiated as a penalty of immediate execution. Detailed scrutiny has been given to complicated cases of pardon with respect to the penalty of probation.

Of exceptionally great importance for the establishment of the concept of pardon is the proposed explanatory model of the correction process. The concept has been defined. Criteria for assessing the completeness of the correction process have been defended. In aid of the evidential analyses in the practice the features of the correction process have been outlined, clarified and systemized - stability (consistency), reversibility, and level of being integrated - the factors which impact these features, and these features' factual expressions in individual cases as correction takes its course under conditions of compulsion and depends on the type, amount/duration, and regime of execution of the penalty. Argumentation has been given to the links between the customary length of the anticipated correctional process in presumably correctable perpetrators and the legally established duration of the penalty of imprisonment in the sanctions of the Special Part of the Criminal Code. A classification of the types of correctional process has been proposed together with these types' respective features - developing, stagnating, regressive, and inconsistent process - thus facilitating not only pardon decision-making but also the application of competing institutes. The dependencies between the correctional process and the correctional resources of the convicted person have been identified. Based on these results, a methodology is suggested for prognostication of correction for the purposes of both the primary individualisation of

the penalty and the follow-up application of regular institutes for penalty's alleviation and pardon.

Detailed scrutiny has been given to complex cases where pardon is considered in respect to multiple penalties, penalties for multiple crimes, penalties achieved after adaptation of sentences of foreign courts. Outlined are the contribution of the Bulgarian practice on pardon in respect to the gravest penalty for the common European protection of human rights and the integration of the Bulgarian experience into the ECtHR best-practice standards.

In summary, the monography presents a complete, systematized, and scientifically substantiated concept of pardon. The studies excel in clarity of the issues under discussion, consistent and logically structured explanations despite of the complex and interdisciplinary nature of the matter, and very convincing demonstration of the application of the proposed approaches to various cases.

A significant merit of the book is its fascinating style which has been achieved due to the abundant presentation of cases from the practice. The author has not only academically substantiated a number of principle approaches towards pardon but has also demonstrated them in her case-selection and reasoning based on real human destinies. This does attach life persuasiveness to her theses which much exceeds the common standards of academic proof.

It may confidently be claimed that the candidate has focused her scientific pursuits on the very present-day issues of pardon in a way that achieves both scientific and scientific-and-practical importance. Hence the conclusion that the study is especially modern and may significantly contribute to the evolution of the legislation – and not only the criminal one – and the legal practice.

Another valuable contribution of the candidate's is present in the formulated *de lege ferenda* proposals. Their adoption will modernize and improve the relevant criminal legislation.

The articles and studies, published in reviewed collective volumes, which have been presented in this procedure, also bear significant scientific achievements and will definitely contribute to the advancement of the criminal-law theory and jurisprudence.

V. Critical Comments and Recommendations

The scientific works under review are characterized by numerous and indisputable contributive achievements which can hardly be addressed by serious critical comments.

However, it may be recommended that the comparative legal studies be deepened to further explore the links between the peculiarities of the systems of penalties and their

enforcement by the courts at one hand and the respective model of pardon and its implementation at the other.

VI. General Assessment of the Scientific and Scientific-and-Practical Outputs and Recommendations

The academic works of ch. ass. Iva Dimitrova Pushkarova, PhD, presented for review in this competition procedure – the habilitation thesis and the additional publications, do not only satisfy but in fact substantially exceed in quality the legal requirements. They contain numerous and valuable scientific achievements. The candidate convincingly demonstrates her skills to identify problems and to profoundly substantiate her scientific theses. The conclusions, outputs, and *de lege ferenda* proposals which are present in the publications, bear not only scientific, but huge practical significance as they are established not in themselves but in full consistency with the needs of the public and the practice.

The scientific works result from the author's persistence and diligent efforts in scientific analyses. They indisputably demonstrate that ch. ass. Iva Dimitrova Pushkarova, PhD, excels in her exceptional ability to profoundly and all-roundly study criminal-law matters and to reach solutions which are adequate, significant for the practice, and aimed at modernization and improvement of the criminal legislation. The candidate is an experienced lecturer in Criminal law of many years and enjoys the confidence and respect of her colleagues and students.

VII. Conclusion

In **conclusion** I hereby state that the overall assessment of the lecturing activities and scientific works of the candidate for the academic position 'Associate Professor' in the professional field 3.6 'Law' ('Criminal Law') ch. ass. **Iva Dimitrova Pushkarova**, PhD, satisfies the requirements of Article 24, subparagraph 1 of the Law on the Development of the Academic Personnel in the Republic of Bulgaria, and therefore

I hereby present my definitely favourable opinion and firm consideration that the honorable academic jury should propose to the Faculty Council of the Law Faculty of the Sofia University 'St. Clement of Ochrid' that ch. ass. Iva Dimitrova Pushkarova, PhD, be elected to assume the academic position 'Associate Professor' professional field 3.6 'Law', academic specialty 'Criminal Law' in the Law Faculty of the Sofia University 'St. Clement of Ochrid'.

Member of the Academic Jury:

(Ass. Prof. Ralitsa Ilkova)

Sofia, 29 May 2023