

OPINION

Concerning: competition for associate professor
3.6 Law(Criminalistics),
announced by the Sofia University "St. Kliment Ohridski",
State Gazette No. 24 of 17th of March 2023

Candidate: Chief Asst.Prof. Iskra Vladova-Nedkova,
Doctor of Law

Opinion prepared by: Prof. Lazar Georgiev Gruev,
Doctor of Juridical Sciences

In the State Gazette No. 24 of 17th of March 2023 a competition for an Associate Professor of Criminalistics at the Faculty of Law of Sofia University "St. Kliment Ohridski" was announced. Chief Asst.Prof. Iskra Vladkova Vladova-Nedkova, Doctor of Law, is the only candidate in the competition.

Iskra Vladova-Nedkova is a lecturer in Criminalistics at the Department of Criminal Law of the Faculty of Law of Sofia University "St. Kliment Ohridski" since the academic year 2011/2012. She is currently a lecturer in Criminology at New Bulgarian University from the academic year 2021/2022.

In 2017 she was awarded the educational and scientific degree "Doctor of Law" in the professional field 3.6. Law /Criminalistics/ after public defense of her dissertation on "Methodology for the investigation of drug-related crimes".

She has good professional experience in the investigation of crimes in the Department of Criminal Investigation in Sofia Police Department from 2007 to 2011, as an investigating police officer. She has also received several awards from the Minister and Secretary General of the Ministry of Interior for high achievements in her work.

At its first meeting, after an in-depth review of the competition documentation, the scientific jury unanimously concluded that Chief Asst.Prof. Iskra Vladova-Nedkova, Doctor of Law, meets the minimum required scores in the groups of

indicators for the various scientific degrees and academic positions, regulated in the law and on this basis is admitted to the competition for the position of Associate Professor in 3.6 Law (Criminalistics).

We have no collaborative publications with the candidate, nor are there any other grounds for conflict of interest. I know her as a lecturer and colleague in the department, and from her published scholarly works.

I have always shared the understanding that the assessment of a candidate's qualities in a competition for the academic position of Associate Professor should encompass, in their entirety, skills as a teacher; scholarly writings, with an emphasis on the habilitation thesis; and the candidate's activities outside of strictly scholarly and teaching activities such as - participation in conferences, working groups, forms of "extracurricular" activities, etc.

Iskra Vladova-Nedkova is a good lecturer who carefully prepares and presents with skill the relevant material in the seminar and lecture classes to the students. A special - and good - accent in her teaching is the practically oriented presentation, saturated with well-selected examples from practice, which is in no small part due to her previous experience as an investigating police officer in the Ministry of the Interior. As a character she is a calm, composed person, at first sight even too reserved and collected. In fact, she knows how to listen to the other person, does not jump to conclusions, does not necessarily seek to impose her opinion, but when necessary defends it convincingly and consistently. These are qualities that befit a law school professor and which - let me advise her - she should retain in the future.

The candidate Iskra Vladova-Nedkova submitted one monograph and five scientific articles. I am confident that the esteemed reviewers will analyse them in detail, which is why I will only draw a more general conclusion, namely that the scientific production as a whole is oriented towards extremely topical, 'in development' topics, namely the investigation of drug-related crimes and computer crime, which means that they will continue to preoccupy the author in the future, which I actually recommend, because the dynamics in these two areas is impressive.

The habilitation thesis - the **monograph "Investigation of Computer Crimes"** is a serious scientific work dedicated to a very important issue in the field of criminal law. In the doctrine, computer crimes are the subject of research and analysis from the point of view of substantive and procedural criminal law, as well as criminology and criminalistics, and this is all over the world due to their global nature. This is predetermined by the importance, role and place of computers and computer technology in the life of modern people, and it is hardly an exaggeration to say that it is in fact now impossible (or at least very difficult) to imagine any sphere of our lives without them. In this sense, the topic is timelessly topical, will continue to be so in the future, and even, in view of the dynamics of these social relations, its relevance will be increasingly felt. This is logical. If we cannot imagine life without computers, if they penetrate so brutally into every sphere, if their improvement is no longer a matter of years and months, but simply of days, then it is clear that infringements in this sphere, including crimes, will multiply geometrically. And from the point of view of prevention and combating them, we can safely say that we are witnessing a kind of race between the perpetrators and the people called upon to curb these negative phenomena. And this requires preparation based on knowledge, skills and competence, part of which is the scientific development of the issues. This is Iskra Vladova-Nedkova's first and major contribution.

The author's clear understanding of the complex nature of the research is evident in the development. That is why - quite logically - at the beginning are included, besides more general (but necessarily necessary) parts devoted to: terminology (not only the legal definitions, but also those scientifically justified and practically used); the history and general characteristics of computer crimes; as well as their characterization from the point of view of criminal law, criminology and criminalistics. Here, a good command of the subject matter concerning the individual constituents, an understanding of the inseparable relationship between them and their interconnectedness is evident. In fact, this is yet another proof of the relationship between the sciences in the criminal law sphere, existing independently but closely intertwined, graphically speaking like the Olympic circles, forming a kind of whole.

There are also many scientific contributions in the second and third chapters of the monograph. I am sure that they will be systematized in detail by the reviewers, but I will say that their main merit is their relation to practice. In this way, the monograph does not remain solely on the plane of theoretical considerations, but on this basis contributes to improving the effectiveness of practical investigative actions. This is also the case with regard to the exposition on the traces (their types and features); the evidence; the construction of investigative versions; the peculiarities of inspection, interrogation and a number of others. The basis of these good achievements is the author's clear awareness of the specificity of computer crimes and the resulting, by necessity, specificity in their investigation.

A significant contribution is also made by the *de lege ferenda* proposals made at the end of the monograph, which are solidly argued and which I fully adopt.

I will make one main remark, which is also a recommendation. It is about the subject (scope) of the monograph. From the very beginning, the author clearly points out the traditional distinction in English-language literature between computer crime, computer-related crime, high-tech crime, digital crime and cybercrime (p. 7). Further, she comments on the distinction of substantive and non-substantive computer crimes, also accepted in our country, and analyzes their features, declaring that the subject of the presented work are only the so-called substantive ones, regulated in Chapter Nine "a" of the Criminal Code (p. 52). It is, of course, the right of each author to choose where he will extend his research. Here, however, the author had to justify himself in more detail. Why did she adopt this approach? Is it based on the statistically proven "preponderance" (predominance, more in number and more frequently committed) of actual computer crimes or on the greater difficulties shown in practice in the course of their investigation. It is true that the author indicates her understanding and argues that, for example, the tactics in the investigation of a, in her view, non-substantive computer crime such as "computer fraud" stand much closer to the crime of fraud than to computer crimes (pp. 52-53). But is this the case? For me at least, more and more convincing "evidence" along these lines is needed, or at least a statement by the author that such crimes will be the subject of another, separate essay, because I think that the features of computer fraud (as an example),

including the features of investigation, bring it closer to computer crimes than to "ordinary" fraud. One more thing. One wonders whether what has been said about criminological characteristics (pp. 70-82) does not precisely support the claim that the similarity between genuine and non-genuine computer crimes, especially as regards their investigation, is dominant over their differences, insofar as in defining them the author himself states that they are crimes "in which a computer system or computer data is the means or object of wrongful activity" (p. 70). It is obvious that in this part of the elaboration the emphasis is actually on atypical computer crimes, and to me this seems quite logical.

However, the fact that this position of the author provokes discussion is in itself positive and I will look forward to Iskra Vladova-Nedkova's position on this issue in the future.

Taking into account what has been said about the candidate's teaching, scientific and organisational qualities, I also give the following an overall positive assessment.

Conclusion: The overall scientific and teaching activity of the candidate and in particular the submitted habilitation thesis give me grounds to vote in favour of the decision, by which the scientific jury to propose to the Faculty Council of the Faculty of Law of Sofia University "St. Kliment Ohridski" to elect the Chief Asst.Prof. Iskra Vladova-Nedkova, Doctor of Law, as Associate Professor in 3.6. law (Criminalistics) in the competition announced in State Gazette No. 24 of 17th of March 2023.

Opinion prepared by

Prof. Lazar Georgiev Gruev,

Doctor of Juridical Sciences

Sofia

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