

OPINION

By: Associate professor Dr Ralica Svetlozarova Kostadinova
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Professional Field: 3.6. Law
Specialty: Criminal Law

Regarding: a competition for assuming the academic position “Associate professor” called by Sofia University “St. Kliment Ohridski”, in academic field: 3. Social sciences, Economics and Law, professional field 3.6. Law (Criminal Law), State Gazette, issue 30 of 15 April 2022.

ESTEEMED MEMBERS OF THE ACADEMIC PANEL

With Order № ПД - 38-255/23.05.2022, issued by the Rector of SU “St. Kliment Ohridski” I was appointed an external member of the academic panel which is to conduct a competition for the assumption of an academic position “Associate professor” in academic field: 3. Social sciences, Economics and Law, professional field 3.6. Law (Criminal Law), promulgated in State Gazette, issue 30 of 15 April 2022. At the first meeting of the academic panel I was assigned with the task to prepare an opinion concerning the competition.

I. Information about the applicant

There is only one applicant for the position of associate professor in the current competition: chief assistant Dr. Nikoleta Kirilova Kuzmanova. The submitted documents meet the requirements and supporting evidence is provided.

Nikoleta Kuzmanova holds a master’s degree in law (1998, SU “St. Kliment Ohridski”) and she is a “doctor” in academic specialty 3.6. Law (Criminal Law), the topic of her dissertation is “Legal Protection of the Political Rights of Citizens” (2014, SU “St. Kliment Ohridski”). She has acquired extensive teaching and professional experience in the field of criminal law. From 1999 until 2012 she worked as a lecturer at the Academy of the Ministry of Interior (assistant from 1999, senior assistant from 2002 and chief assistant from 2007 until 2012). Since 2000 she has taught at the Department of Criminal Law Studies at the Faculty of Law at SU “St. Kliment Ohridski” (part-time assistant from 2000, assistant from 2012, chief assistant since 2015).

Chief assistant Dr. Nikoleta Kuzmanova is an active participant in the academic life of the Faculty of Law at SU and has contributed significantly to strengthening its image. She was a scientific secretary of the Faculty of Law and currently she is holding the position of secretary of accreditation. It becomes clear from the submitted documents that the applicant assumed important expert, administrative and organizational positions in various state institutions (the National Assembly, the Ministry of Interior, the Ministry of Justice, the Council of Ministers). All these facts provide evidence for the significant and extensive achievements of the applicant in her teaching and expert activity in the field of criminal law.

Chief assistant Dr. Nikoleta Kuzmanova is an established scholar in the field of criminal law whose publications are of great interest to the academia, which can be evidenced through the great number of citations. Judging from the submitted self-evaluation reference and the provided written evidence, it can be concluded that the applicant has held the position of chief assistant over two years and meets the national minimal requirements under art. 2b of the Act for the Development of the Academic Staff in the Republic of Bulgaria for academic field: 3. Social sciences, Economics and Law, professional field 3.6. Law. No plagiarism was proven under the legally regulated procedure.

II. Scientific papers submitted for the participation in the competition

For her participation in the competition chief assistant Dr Nikoleta Kuzmanova has submitted one monograph and 8 other scientific publications (4 articles and 4 studies).

The monograph “Freedom of Religion and Criminal Law” (Sofia, East-West publishing house, 2022, ISBN 978 – 619 – 01 – 1001 – 9, with scientific editor assoc. prof. Dr Simeon Groisman) is the first scientific research which studies fully and comprehensively the legal protection of the freedom of religion in Bulgaria. The work contains 252 pages and has 464 footnotes which make reference both to the theoretical writings and the decisions of the Supreme Court of Cassation, the Constitution of the Republic of Bulgaria, of the European Court on Human Rights, which demonstrate relevance to the subject matter of the research.

The paper is logically structured into an introduction, three chapters and a conclusion. The print edition includes a list of the literature and abbreviations used by the author. Chapter One of the monograph clarifies the legal norms; the essence and the ways used to exercise the freedom of religion. Special attention is paid to the Constitution which has been in force since 1991 and the boundaries of the legal regulation. The concepts faith, religion, creed and denomination are explained. Chapter Two presents an analysis of the legal protection of the freedom of religion. The author analyses both the individual constituent elements of crimes against the freedom of religion and the issues related to how they should be penalized. A general characteristic and grouping of the types of crimes are made, conclusions and recommendations are formulated. Chapter Three is dedicated to criminal liability resulting from the violation of bans and restrictions concerning the freedom of religion. The conclusion suggests a way of grouping together scientific conclusions based on the analysis of the legal regulation of the freedom of religion and the importance criminal law has.

In terms of volume, structure, content, depth of scientific research and the justification of the conclusions, the presented scientific paper fully meets the requirements for a monographic research. The subject matter studied in the monograph does not overlap the ones discussed in the studies presented for the acquisition of educational and scientific degree “doctor”. The monograph is easy to read and the legal language used is accurate. The author’s theses are soundly justified.

In the monograph chief assistant doctor Kuzmanova demonstrates profound knowledge about the Bulgarian criminal law and the national and international legal regulation related to the issues under consideration. This enables her to conduct brilliant criminal law analysis and when necessary to communicate critical remarks regarding existing situations in the theory and the legislation. The monograph abounds in scientific contributions. I agree with the

contributions pointed out by the applicant in the Reference for scientific contributions and would like to mention only some of them:

The monograph is the first and comprehensive study of the issues concerning the legal protection of the freedom of religion in the Bulgarian criminal law;

Another aspect which is a contribution is the historical and legal analysis of the legal protection of the freedom of religion in Bulgaria since 1896 to present days;

By studying the different types of crimes against religion historically and from a legal point of view the author outlines the punitive policy of the state related to freedom of religion. Apart from outlining the approaches to criminalizing offences and explaining the reasons for that, Dr. Kuzmanova applies a comparative approach to present the specific features of punishment of individual crimes throughout the different stages of the development of the legal regulation. Tracking the changes in the envisaged punishments gives the author the chance to outline skillfully their impact on the realization of criminal liability.

Extremely appropriate is the author's approach to carrying out an extensive research of the legal regulation of the freedom of religion starting with the Tarnovo Constitution to these days. This allows for the "deciphering" of underlying principles set forth in the criminal legal regulation and for providing a reasonable explanation for the existence of a number of inappropriate expressions in the dispositions containing constituent elements of crime against the freedom of religion in the Criminal Code that is currently in force.

Another contribution is the comparison of the legal protection of the freedom of religion with the international and European standards.

What is valuable for the criminal law theory and practice is the introduction of a new classification of the discussed infringements and identifying them in two groups – "essential" and "non-essential" crimes against the freedom of religion;

The profound and comprehensive study of the freedom of religion and its legal protection has given the author good reasons for making specific suggestions for improvements in the legislation. Not only does Dr. Kuzmanova identify imperfections in the legal regulation, but she suggests specific changes to be made in the legislation, which which are not only reasonable but are perfectly formulated from a legal and technical point of view.

For the purpose of this competition the applicant has submitted a monograph and eight other publications (4 articles and 4 studies). They analyse topical and interesting issues (interpretative practice of the Supreme Court of Cassation, principles of criminal law, issues regarding some crimes under the Criminal Code, legal protection of the financial system etc.). They are published in recognized legal refereed publications of different universities. The author of these publications, chief assistant Dr Nikoleta Kuzmanova, does not simply present the facts regarding legal issues and problems. She has the scientific courage to state her critical attitude, to provide the relevant arguments and to defend her standpoint.

I have known the applicant personally for years and this gives me reasons to believe that all these outstanding scientific achievements are the result of extensive independent research pursuits, teaching and expert activity. Dr. Kuzmanova is a well-recognized and independent scholar with a distinct style recognizable by experts in criminal law.

III. Conclusion

Considering the above stated I believe that the applicant chief assistant Dr. Nikoleta Kuzmanova meets the requirements for assuming the academic position “Associate professor”, set out in art. 24, para. 1 of the Act for the Development of the Academic Staff in the Republic of Bulgaria and the Rules for the terms and procedure for acquiring science degrees and holding academic positions at SU “St. Kliment Ohridski”. Therefore, I would like to recommend that the academic panel vote in favour and to recommend that the Faculty Council of the Faculty of Law at SU “St. Kliment Ohridski” decide in favour of chief assistant Dr Nikoleta Kirilova Kuzmanova assuming the academic position “Associate professor” in professional field: 3. Social sciences, Economics and Law, academic field 3.6. Law (Criminal law).

12 August 2022

Assoc. prof. Dr. Ralitsa Kostadinova