



## OPINION

By

**Prof. Mariela Ianeva-Deliverska, D.Sc.**

Member of Scientific Jury according to Order No. 525/21.02.2023  
of the Rector of Trakia University

### **Dear members of the Scientific Jury,**

Grounds for preparing this opinion is Order No. 525/21.02.2023 of the Rector of Thrace University, by which I was appointed a member of the scientific jury in connection with the fulfilment of procedure for appointment to the academic position of "Associate professor" in field of higher education 3. Social, economic and legal sciences, Professional field 3.6 Law.

The procedure was announced in the "State Gazette", no. 99/13.12.2022. The procedure is provided for the Department of "Industrial Business and Entrepreneurship" at the Faculty of Economics in Trakia University - Stara Zagora.

The candidate Petar Radoslavov Iliev fulfills the criteria to participate in the current procedure. The candidate is only participant and based on the submitted documents it is confirmed that he holds a master degree in Law and a Ph.D degree in field of Legal science (professional field 3.6.), Constitutional Law according to Diploma CY-2012-121 of 23.11.2012.

The obtained teaching experience and professional achievements in training students in the field of "Law" of the candidate, dates back to 2006, when he holds the position of "assistant professor" at the Faculty of Law in Sofia University of "St. Kliment of Ohrid". The candidate obtains more than 15 years of teaching experience, having successively held academic positions from "assistant professor" to "chief assistant professor". He has participated in teaching a main discipline course of "Constitutional Law", and his teaching experience also includes presence in elective course disciplines in areas other than law, namely related to "Public field law", including discipline of "Organization of Human Rights Institutions".

Mr. Iliev's publishing and research activities include development and publication of monographic books, scientific studies, specialized professional articles and publications in scientific magazines.

To participate in the current procedure, the candidate presents several studies and one monographic book under the title "The principle of organization and activity of the judiciary in the Bulgarian rule of law". Mr. Petar Iliev, PhD is also the author of a monographic book titled "Legislative Process in the Republic of Bulgaria" (ISBN 978-

619-163-022-6) published in 2013. This book published in 2013 has been developed based on defeated PhD dissertation. Due to the fact that this monographic book is not included in the list of articles submitted by the candidate for participation in the procedure, it will not be evaluated within the current procedure.

The monographic book titled **"Principles of organization and activity of the judiciary in the Bulgarian rule of law"** established in 2022, Mr. Iliev, PhD presents as a habilitation work and it is a subject of review and evaluation within the current procedure. The monographic book has been submitted for publishing, as at the time of submitting the application and documents for participating in the current procedure, the monographic book is in a process of publishing (as it has been confirmed by a relevant certificate presented).

The content of the monographic work "Principles of Organization and Activity of the Judiciary in the Bulgarian Rule of Law" has been developed and presented in a content aspect by: an introductory part, a conclusion part and four chapters - as follows: Chapter I named "The Independent Judiciary in the System of Separation of Powers ", chapter II named "Primary principles of organization and activity of the judiciary", chapter III named "Secondary principles of organization and activity of the judiciary", chapter IV named "The principle of the rule of law".

By the development of the presented monographic book, the author aims to build a comprehensive, thorough and complete assessment of the meaning, essence, applicability and observance of the principles of organization and activity of the judiciary.

The emphasis is this work has been pointed to the study of all essential connections, interactions and correlations between each of the principles, and the overall assessment presented by the author. It is based on the significant principles and pillars of the formation and functioning of the rule of law. In this context, the author argues on the opinion that the organization and activity of the judiciary have been established on the principles, requirements and conditions closely related to achievement of the constitutional, democratic and legal State.

Mr. Petar Iliev achieves the goal set with the development of the monographic work, through the achievement of precisely and clearly formulated tasks, which can be systematized in seven main aspects. These aspects namely include: systematization and research of all important principles; outlines dimensions between the judiciary and other authorities, in the context of the doctrine of division of powers; clarifying the role, place and function of microsystems within the judiciary; analysis of the legal essence of the administration of justice in Bulgarian constitutional model; analysis of the relationships between the concepts of "administration of justice" and "justice" itself; analysis of



jurisprudence and practice on the researched topic; public law analysis of the principles of the rule of law in Bulgarian model of government.

Setting and achieving the tasks formulated by the author, he outlines the essence and role of various processes, as well as the interaction between those processes in regards to the implementation of constitutionally established principles and guidelines shaping the concept of "rule of law".

In addition to a monographic work, in the current procedure, the candidate presents his results of a specific research and publication activities in the field of science.

In an approximately 10-years period of time (from 2013 to 2023), the results of scientific research conducted and analysis obtained by the candidate there has been presented and disseminated information and scientific among the academics and the scientific community. It has been presented publications and articles in specialized scientific magazines, scientific studies and books.

Several scientific researches (total of 4) are included as part of the documentation presented for evaluation in the current procedure. Each of the presented studies explores a different topic, which is significant in range and includes wide variety of topic selected and analysed within the published study.

The topic of the judicial power has been researched, explored and presented by the author through the light of the principle of division of powers. (A study titled "The Judiciary in the Separation of Powers Configuration" was developed and published in 2017). The constitutional aspects of the right to property are subject of a scientific study, which the author presented in 2014 as independent research.

The aspects on functioning of the Supreme Judicial Council and the principles on which the implementation of its powers and the formation of its composition should be performed, have been researched and presented by the author in the context of Constitutionally regulations and legal requirements. In this regard, in 2018, a scientific study titled "Higher Judicial Council - structure, composition, organization and powers" was published.

Separate research dedicated to the topics on importance and main role of Advocacy in the legal profession has been performed. It also includes research activities in the field of advocacy. In this context, in 2014 research on the topic has been carried out, and is being published as independent scientific study.

Diverse and wide ranged topics and scientific articles and publications, have been presented to the scientific jury as part of the evaluation process within the current procedure. The main focus of Petar Iliev's scientific research and publication activities

have been connected to public law issues and constitutionally justified matters and questions.

In the scientific publication titled "Powers of the National Assembly in the field of defense", the author examines the essential characteristics of the activity of the legislative body in the light of the Constitutional norm of art. 84. Analyzes the competence of the National Assembly in relation to the powers under the Constitutional norm, specifically regarding on decision-making functions in matters of declaration of war and conduction of peace; availability of competence to authorize the dispatch and use of Bulgarian armed forces outside the country; the possibility to make a decision to declare a state of war or other state of emergency on the entire territory of the country or on part of it, on a proposal of the President or the Council of Ministers. The author examines and presents case law of the Constitutional Court on the matter, examining the practical and theoretical aspects of the issue. He presents a reasoned systematic analysis, through which it is possible to assess the exact and correct application of the legally established requirements and rules in the field of defense. This in turn reflects and directly relates to important aspects of national security.

The scope of topics from the field of "national security" falls within the range of attention of the candidate, when developing a scientific publication titled "Modern dimensions of the European educational and scientific space", published in 2022 (by publishing house "Za Bukvite - O Pismeneh"). The author further develops and expands some of the aspects of the topic on national security, where he advocates in previous publications, as well as in the publication titled "Modern dimensions of the European educational and scientific space". The author connects the constitutional and legal topics with national security issues. He supports and argues on the thesis of one of the most important constitutional and legal issues in the field of national security. As a matter of fact, is related to the armed forces, their use/missions outside the country, as well as in relation to the residence of foreign troops on the territory of the State.

In regards to the implementation of the minimum established and normative set requirements, the scientific production and the documentation presented by the candidate were analyzed in accordance to the minimum national requirements for the scientific and teaching activities of the candidate.

For the appointment on the academic position of "Associate Professor", in Professional Field 3.6 "Law", according to the four groups of mandatory indicators (group A – Dissertation (PhD theses), group B - Habilitation work, group D – publications conducted and group D - citations of scientific works of the candidate ), in the current procedure, the candidate Petar Iliev presents information, data and documentation, according to which there is fulfillment of the set of minimum required criteria.



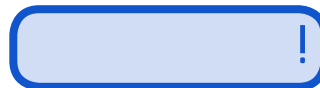
Additionally, indicators such as teaching, academic and scientific activity, presented by the candidate within the current procedure, are also in accordance to the regulatory framework and corresponds in amount and quality to the set of grounds required.

In conclusion:

In connection to the evaluation and analysis performed to the candidate's documentation in the current procedure, based on the documents submitted by the candidate, with a ground on fulfilling the legally established indicators and criteria, I express a positive opinion and recommend the honorable members of the scientific jury to vote for the appointment to the academic position of "Associate professor" of Mr. Petar Radoslavov Iliev, PhD in the field of higher education 3. "Social, economic and legal sciences" and Professional field: 3.6. Right.

April 12<sup>th</sup>, 2023

Member of the Scientific Jury:



Prof. Mariela Deliverska, D.Sc.