

EXPERT OPINION

by Prof. Emilia Aleksandrova Drumeva, PhD

of a dissertation for awarding the educational and scientific degree of 'PhD'

Professional field: 3. 6. LAW.

PhD program: "Constitutional Law"; New Bulgarian University.

Candidate: Peter Vladislavov Slavov

Topic: "Guarantees for a Constitution-compliant legislation"

Supervisor: Prof. Ekaterina Mihaylova, PhD

Peter Slavov is an established name in the parliamentary sphere. With this dissertation, he also stands out in the field of legal science with scientific research. Undoubtedly, the stable legal education and practice, incl. parliamentary are a good ground and useful for accumulating the necessary material and knowledge for the review of scientific problems.

1. Timeliness and relevance of the topic

The dissertation is an independent monographic legal and scientific study of the legislative process with a focus on the guarantees of its compliance with the Constitution and the affirmation of the supremacy of the Constitution. The topic is directed at the heart of constitutional law – the eminent jurist Hans Kelsen writes that for a Constitution it is enough for it to regulate the legislative process in principle. So, the topic of the guarantees of the legislative process in accordance with the Constitution is of constant relevance. The focus on safeguards aims to highlight and strengthen the mechanisms ensuring the functioning and evolution of the modern legislative process. And this process is a living and sensitive tool with specific dynamics caused by internal and external factors; It manifests itself especially in a series of early parliamentary elections, when the relevance of this study is necessary in view of deviations and violations of the established constitutional frameworks for legislation. The current study is up-to-date. It covers a significant period of evolutionary development, but acquires particular relevance in the turbulent development of parliamentarism, when the guarantees for a constitutionally compliant legislative process are of vital importance for the upholding of parliamentary values.

2. The PhD candidate Slavov undoubtedly knows the problem. He approaches its research on a broad basis and with scientific integrity. Warranty mechanisms are appropriately considered in two groups: preemptive and subsequent. The purpose of the study is to outline and highlight the guarantees in order to be especially careful and zealous for their observance – in the context of the inevitable legislative dynamics, especially in the conditions of political instability (which is

not unfamiliar to the democratic state and political pluralism), the retention and development of the legislative process within the rails of the Constitution is an absolute condition for the rule of law.

3. Several research methods have been applied – first of all, the normative-analytical and formal-logical methods, supported by the historical and comparative legal methods. The chosen methodology and methodology of the study facilitate the achievement of the goal – increased attention to strengthening these guarantees for a constitutionally compliant legislative process and its evolutionary development. The PhD candidate combines these methods and achieves the main task of the dissertation.

4. The structure of the dissertation meets the legal requirements; the content of the work has been organized in a meaningful way. The exposition follows the logic of the structure. Rich factual material covering a wide range of problems significant for modern constitutional theory has been analyzed.

The number of pages is 235, incl. contents, a list of the abbreviations used, bibliography, judicial acts and verbatim minutes of sittings in the National Assembly and the Grand National Assembly.

The content is arranged in five sections – a historical introduction to the subject of the dissertation; main theories that have influenced modern parliamentarism and the legislative process; guarantees (institutional) for a constitutionally compliant legislative process; The Constitution as a special guarantor; conclusions and recommendations for additional (in addition to the indicated) guarantees; conclusion. Already in the Introduction, the main question of the dissertation has been emphasized, summarizing its subject matter - are the guarantees in our Constitution sufficient and effective in order to have a constitutionally compliant legislative process, respectively, what could be improved if they do not work well enough? The following statement is intended to provide an answer(s).

5. Characteristics and evaluation of the dissertation and contributions

The dissertation contains scientific and scientifically applied contributions and novelties. It combines the collection and study of rich factual and theoretical material, the presentation of the concepts advocated in the doctrine, the analysis of the legislation framework, which combination constitutes a stable basis and at the same time feeds perspectives and proposals de lege ferenda with familiarity and applicability in practice.

A theoretical and empirical analysis of the (in)effectiveness of the existing guarantee mechanisms is made, the weaknesses are identified and proposals for

their elimination are made. Proposals are made for additional guarantees, accompanied by support or argument with opinions advocated in theory and practice, and contributes to the raising of problems of marked importance in the constitutional space, for example, the so-called formalization of the legislative initiative as a guarantee; To remedy the identified deficiencies, as well as de lege ferenda, new constitutional guarantees are proposed, e. g. specific guarantee constructions existing in the Rules for organization and activity of the National Assembly to be "raised" at the constitutional level, etc.

A merit of the dissertation is the presentation of the theses and understandings in the Bulgarian legal doctrine, which widens and enriches the overall picture. The study is based on rich factual material, which increases the cognitive value of the work and gives it empirical characteristics.

The work is written in a concise and up-to-the-point manner; The research proves the knowledge, scientific and legal thinking and the ability of the author to analyze facts and events and to synthesize conclusions and recommendations with insight and vision for solving problems. It combines theory, analysis of the legal framework, case law and drawing conclusions and forecasts, which follows the good traditions in Bulgarian legal science and practice.

6. Publications

The publications are on topics of importance for constitutional law theory and practice. They are written with good faith and knowledge of the subject under study.

7. Abstract

It is made in accordance with the requirements of the current regulations and reflects the essential results achieved in the dissertation. It is written in an orderly manner; has an independent value as a synthesis of the main points of the dissertation.

8. Notes – despite the qualities of the dissertation, inaccuracies are found in some places: the President's veto is overridden not by 121 votes, but by votes of more than half of all MPs at the moment (it is possible that there are vacant mandates and then the required majority will be different (p.36); in several places (p.54, 58, 59, 117) it is emphasized, that Rules for organization and activity of the National Assembly has the rank of a law – this opinion is widely circulated in the public domain, but it is not accurate – it is true that the ROANA is not a by-law, but it is a sub-constitutional act, it is amended by a decision (normative) of the National Assembly; political parties are not present in the Tarnovo Constitution (p. 12).

9. Recommendations for future use of dissertation contributions and results

I recommend that the dissertation be read and shared so that there is more knowledge, culture and awareness of political representation and its main function of legislation on the philosophy and practice of constitutional state and its main instrument – the constitutionally legislative process, and with scientific arguments, good practice to be evolutionary encouraged and deviations and violations overcome. I recommend that when publishing the work, articles and paragraphs of the ROANA should not be indicated, as and each National Assembly shall approve the rules under which it works and the numbering shall be change.

CONCLUSION

The dissertation contains scientific and scientifically applied contributions and results, that represent an original contribution to science and meet all the requirements of the Law on the Development of the Academic Staff in the Republic of Bulgaria and relevant regulations.

The dissertation, as well as the presented publications, show that the PhD candidate Peter Vladislavov Slavov has theoretical knowledge and professional skills in scientific specialty "Constitutional Law" and demonstrates established qualities and skills for independent scientific research. Because of the above, I confidently give my positive assessment of the research carried out, embodied in the dissertation, abstract, results achieved and scientific contributions, and I propose to the honorable scientific jury to award the educational and scientific PhD degree of Peter Vladislavov Slavov in professional field 3. 6 LAW, PhD program "Constitutional Law".

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The expert opinion is prepared by:

Prof. Emilia Drumeva, PhD