

OPINION

by Associated professor Ralitsa Yankova – Petkova PhD, Sofia University „St. Kliment Ohridski“, field of higher education „Social, economic and legal sciences“, professional field „3.6 Law“, subject "Criminal law", on academic papers presented for participation in the competition for the occupation of the academic position Associated Professor in professional field 3.6. Law, declared in the State Gazette, issue 83/2019, with applicant Chief Assistant Professor Ralitsa Svetlozarova Kostadinova, PhD.

I. Assessment of compliance with the minimal national requirements and the requirements of the New Bulgarian University

Evident from the applicant's self-assessment report and the evidence attached thereto Ch. Assist. Prof. Ralitsa Svetlozarova Kostadinova, PhD has fulfilled the minimum national requirements, as well as the obligatory requirements of the New Bulgarian University to occupy the academic position "Assistant Professor". The total score of the candidate is 1 330 points, which exceeds the minimum requirements (570 points), especially in certain indicator categories such as groups D, E, G, Z and I.

II. Research (creative) activity and results

In her application for the competition Ch. Assist. Prof. Ralitsa Kostadinova, PhD presents a comprehensive monographic research – „Suspended sentence under Bulgarian Criminal Law“, Sofia: Publishing House of NBU. ISBN 978-619-233-068-2, 280 pages, a study „Formation of Bulgarian Criminal Law in the Post-Ottoman Liberation Period. In: Konflikt und Koexistenz. Die Rechtsordnungen Südosteuropas im 19. und 20. Jahrhundert. Bd. 1: Rumänien, Bulgarien, Griechenland. Edited by Michael Stolleis in cooperation with Gerd Bender and Jani Kirov. Frankfurt am Main: Klostermann 2015. X, 935 p, pp. 755-795. ISBN 978-3-465-04246-4“ and 26 research articles and reports.

The monograph is an indisputable contribution to the criminal law theory. It can confidently be claimed that the applicant has concentrated her scientific research in an area – suspended sentence, that has not hitherto been subject to a thorough and extensive scientific analysis, but at the same time is of great practical importance, especially for the judiciary. Hence the conclusion that the study is definitely up-to-date and could make a significant contribution to the development of the legislation (not only criminal law legislation) and the practice of the law as well.

The research stands out with its exceptional scientific depth, critical reasoning, analytical arguments and precision. The work provides a comprehensive analysis of the legal regulation of suspended sentence. The issues raised by the institute's existing law regulation have been examined with extreme depth and accuracy. The applicant demonstrates a thorough knowledge of criminal law theory, which allows her to carry out convincing analyzes and to reach logically reasoned and well-founded conclusions. A significant contribution of the applicant is that suspended sentence is distinguished from other similar legal institutes dealing with release from serving a sentence.

Another valuable contribution is the study of the regulation of similar legal figures in other legislations. The applicant has put significant effort in this matter, practically making a

comparative legal overview of the institution's regulations not only in EU Member States but in many other countries as well. This part of the research is profound, accurate and provides an opportunity to discover good examples for improving the Bulgarian criminal code.

The critical analysis of the case law on the implementation of the institute is extremely important for the practice of the law. This also holds true for the proposals made de lege ferenda and they deserve particular attention. A big part of the proposals de lege ferenda can be shared in principle. Their adoption by the legislator would improve the institute's regulation and refine the requirements for its application.

The survey of the transfer of probation measures during the period of probation in the EU is also of significant importance. This is the first study in this field and therefore a contribution beyond doubt. This part of the monographic study even exceeds what is necessary to assess the applicant's analytical abilities and knowledge of criminal law; in fact, this chapter of the monograph could be a stand-alone study in this field. In this sense, the candidate has set herself an extremely ambitious task and has fulfilled it diligently in good faith.

The monograph is easy to read, written in elaborate style and legal wording. The study is well-organized and the author's theses are well-founded. The publication amounts to 280 pages; the reference list contains 205 entries; footnotes are 603; citations are correct; legislation and case law are relevant. Two proposals de lege ferenda have been made.

The applicant's studies, scientific papers and scientific reports submitted for participation in the competition should also be highly evaluated. Obviously, the applicant demonstrates outstanding in-depth knowledge and skills for scientific analysis in various aspects of criminal law and practice. In this respect, it is worth noting the valuable contribution to the area of criminal protection against corruption.

Evident from the author's citation list the applicant has a sufficient number of citations, both in monographs, peer reviewed collective editions (15 citations) and in non-refereed peer-reviewed journals (11 citations).

III. Lecturing and teaching activity

Ralitsa Kostadinova, PhD fulfills all the criteria of the New Bulgarian University for teaching load, per all indicators. She started teaching at NBU in 2001 following a competition she won for the position Assistant in Criminal law. She gradually progressed through the academic positions of senior and chief assistant professor. She teaches class and extracurricular courses in the Law master's program and in other programs at NBU. After obtaining her doctoral educational and scientific degree in Criminal Law in October 2011, she actively participated in improving the programs, offering and developing new courses at the Department of Law and the Department of National and International Security in the field of law and crime prevention. In 2015 she introduced in NBU the course "European Union Criminal Law", which she now teaches as an elective course to the students in the 10th semester in the Master's Law program.

During the attestation period, Chief Assistant Professor R. Kostadinova, PhD develops and teaches the following courses: LAWN705 Training course in Criminal law, advanced training in Moodle since the academic year 2008/2009; LAWN 812 Course Paper on Criminal law, since 2008/2009; LAWN 002 EU Criminal law, since 2015/2016; LAWQ200 Practical training in Criminal law studies, since 2017/2018; CRIM 104 Selected topics of Criminal law and criminal procedure law – master program MSNCRI01 Criminology and polices for crime prevention, 2016/2017, Fall semester; CRIM 106 Penitentiary law – master program Criminology and polices

for crime prevention, 2016/2017, Fall semester; CRIM 154 Course Paper on Selected problems of Criminal law and criminal procedure law – master program MSNCRI01 Criminology and polices for crime prevention, 2016/2017, Fall semester; CRIM 156 Course Paper on Penitentiary law - master program MSNCRI01 Criminology and polices for crime prevention, 2016/2017; CRIM 357 Probation in Criminal law - Current Regulatory and Practical Issues, 2017/2018; SECB024 Criminal Law and Criminal Procedure, NSEC01-Civil and Corporate Security, since 2018/2019; OOK 225 Law, Faculty of basic studies, since 2016/2017; RESB 825 Criminal Law Aspects of the Fight Against Corruption, NRES01 - Public Order and Local Government, 2015/2016 Spring Semester; RESB 811 Criminal Defense Against Corruption, 2015/2016 Spring Semester; RESB 851 Criminal Defense Against Corruption, 2015/2016 Spring Semester;

During the period 2013-2019 R. Kostadinova has developed a high-level Moodle e-learning platform. All courses of R. Kostadinova are provided with study materials through the Moodle NBU platform. Each course is supported with detailed presentation, links, additional materials, as required by NBU standards. More than 7500 pages. The study manual "Criminal Law in Schemes and Definitions", Fourth Edition, Sofia, Ciela, 2017. ISBN 978-954-28-2472-5 is available at the NBU Center for the book for the needs of the NBU Criminal Law training process. Other publications of the author (more than 30) are also available to NBU students in the NBU Scientific Electronic Archive.

R. Kostadinova organized and participated in student events, reviewed student reports and directed the student study group in Criminal law.

R. Kostadinova presented evidence of assistance to students for internships and traineeships: recommendations to NBU students for internships, job and training applications in the country or abroad; recommendations given by R. Kostadinova to NBU students, applying in magistrates competitions.

According to the Quality and Assessment Center, the average grade of Kostadinova, PhD, for the last 10 semesters is very good (4.55) with a maximum score of 5.00. She received a "Favorite Teacher" diploma from the 2013 Graduation students of the Law Program (06.07.2013, signed by Prof. Blagoi Vidin, Head of the Department of Law).

IV. Administrative and social activity

The candidate Chief Assistant Professor R. Kostadinova has performed administrative work at NBU as a Director of Law Program for a period of 10 years (1.10.2004 -1.10.2013). She was a member of the Accreditation Committee at the Master's Faculty for a period of 5 years (2010 - 2015) and member of the NBU Library Council for a period of 5 years (2011 - 2016).

She was also engaged in important social activities: member of the Bulgarian Association of Criminology (BAC) since 2013; editor-in-chief of Law Journal of NBU - since 2018; founder and member of the editorial board of Law Journal of NBU - since 2005; secretary of the scientific journal Legal Review - 2003-2005; member of the Editorial Board of Studies in the Field of Law and Politics. Miscellanies, a 2017 edition of the Faculty of Law, Administration and Economics at the Kujawy and Pomorze University in Bydgoszcz - since 2017; member of the jury in the National Moot Court Competition (Criminal Law), organized by ELSA Bulgaria, 2012; lecturer at the National Institute of Justice on the topic of Transport Crimes in 2012 and 2014; scientific Leader of a legislative study on Best European practices to prevent aggressive driving behavior, National Assembly, 2016.

V. Personal impressions of the applicant

I know the candidate Ch. Assist. Prof. R. Kostadinova, PhD, for more than 15 years. In my opinion she is a highly devoted lecturer, greatly valued by her colleagues, respected and loved by her students. The applicant has an impressive teaching experience. She is extremely active in her work with students, striving to provide them not only with scientific expertise but also with practical knowledge that will be useful to them in their work in various areas of law. Her publications are distinguished by the breadth and depth of the scientific research, the precision and integrity of the scientific analysis, the valuable scientific and practical contributions.

VI. Opinions, recommendations and notes on the applicant's activities and achievements

The analyzed academic works have indisputable contributions. However, some critical remarks have to be made. In this respect, it should be noted that the research work would have benefited significantly if it had started with a general characteristic of the release from serving a sentence. One cannot share, in purely terminological terms, the author's understanding that suspended sentence is a way of carrying out criminal liability. Nevertheless, the critiques made do not affect the overall positive assessment of the applicant's scientific output. The applicant's scientific work clearly indicates that R. Kostadinova has remarkable ability to carry out comprehensive and thorough criminal law research; has extensive theoretical knowledge in the field of criminal law; demonstrates ability to work with large amount of information and to draw up important scientific conclusions thereof.

In conclusion, in my opinion the overall assessment of the teaching activity and scientific work of the applicant for the academic position Associate Professor in Criminal law – Chief Assistant Professor Ralitsa Svetlozarova Kostadinova, PhD, meets the requirements of Art. 24, para. 1 of the Academic Staff Development in the Republic of Bulgaria Act, and therefore I give a positive assessment of the academic activity of the applicant and I believe that the respected scientific jury can propose to the Academic Council to appoint Chief Assistant Professor Ralitsa Svetlozarova Kostadinova, PhD to the academic position Associated Professor in the professional field "3.6 Law", subject "Criminal Law" at NBU.

Date: 24 February 2020

Signature