

## OPINION

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Professional field 3.6. Law

On competition for occupying the academic position "Associate Professor" in the professional field 3.6 Law (Criminal law and EU Criminal law), published in the State Gazette No 83/22.10.2019., with chief assistant professor Ralitzza Kostadinova applying for the position

I have drawn up this opinion on the basis of my appointment as member of the Scientific Jury according to Order 3-PK-53/20.11.2019 of the Rector of NBU regarding the competition announced and described above. The opinion is in compliance with the requirements of the existing Academic Staff Development Act, the requirements of the Rules for the Implementation of the Act and the Regulation for the Development of the Academic Staff at NBU.

### **I. Assessment for compliance with the minimum national requirements and requirements of New Bulgarian University.**

The candidate chief assistant professor Ralitzza Sveltozarova Kostadinova fully meets and even exceeds, for most of the criteria under the Academic Staff Development Act and the requirements of the Rules for the Implementation of the Act and the Regulation on the Academic Staff Development at NBU, the minimum national requirements and the obligatory requirements of the New Bulgarian University to occupy the academic position of Associate Professor. The total score of the candidate is 1 330 points, which exceeds the minimum requirements (570 points), especially in certain categories of indicators, such as groups D, E, G, Z and I.

### **II. Research (creative) work and results**

The monographic work "SUSPENDED SENTENCE IN BULGARIAN CRIMINAL LAW", Publisher: NBU Publishing House, 2019, ISBN 978-619-233-068-2, Reviewers: Prof. Dr. Anton Girginov, Dr. habil. and Prof. Veselin Vuchkov, PhD, Editor and Proofreader: Assoc. Prof. Katerina Yocheva, PhD, has 280 pages, 603 footnotes, bibliography of 172 titles in Cyrillic and 34 in Latin, 8 appendices, including 5 tables.

My finding is that the overall layout of the work, including the content, footnotes, citations and bibliography conforms to the established academic standards.

The monograph is the first comprehensive and complete study of the institute of suspended sentence and thus the first systematic historical and legal analysis of this institute

under the existing Bulgarian criminal law. This makes it possible to trace the ideas of the legislators of the first Bulgarian act on suspended sentence in 1904 and observe how these ideas developed and were influenced by various political systems. The author reveals in reasoning the disagreements on the application of the principle of humanism in criminal law, on the one hand, and fears of impunity and abuses in its application, on the other. It is particularly valuable for the historian of law to pursue the development of the institute as a reflection of the types of penalties to which it applied, as well as the conditions applicable for its enforcement.

The research work is a thorough theoretical analysis of suspended sentence as a specific criminal law tool for prevention of crime. Well-argued and backed up by evidence are the conclusions that the reasons, which led to the establishment and the implementation of the institute were to provide an opportunity for the convicted person to be corrected without actually serving the sentence of imprisonment. At the same time it is made clear that suspended sentence is a way of carrying out criminal liability. According to the author, this responsibility is realized in an untypical way - through the suspended sentencing regime. For this reason, suspended sentence is explained as postponement of the serving of the entire sentence of imprisonment and placing the sentenced person on probation for a certain period of time.

The following contributions can be pointed out:

- The first comprehensive and complete study of the suspended sentence institute under the existing Bulgarian criminal law in the Bulgarian criminal law scholarship;
- The candidate has traced the historical development of the legal framework of the suspended sentence in Bulgaria in time periods, thus highlighting the specifics of the institute in the different periods - classical, socialist and modern;
- The institute of suspended sentence is examined in comparison with similar institutes; A systematic analysis of the case law on the institute of suspended sentence is also provided;
- For the first time in the Bulgarian criminal law literature the prerequisites for suspended sentence have been analyzed in detail in three aspects: legal history; normative and comparative law;
- For the first time in the Bulgarian criminal law literature, the probation period of suspended sentence has been analyzed in depth and considered in three aspects: legal history, comparative law and existing legislation;
- For the first time suspended sentence was analyzed in the context of alternatives to imprisonment in Europe and the possibility of mutual recognition of probation decisions and alternative sanctions in the European Union.

I endorse the author's scientific contributions, laid down in the author's reference for scientific contributions. I would like to draw the attention to the following contributions:

- The proposal for a new and better wording of the text of Art. 1, para. 2 of the Criminal Code, which, in my opinion, is more appropriate and would help modernize the criminal legislation;
- The proposal to replace the term “suspended sentence” with the more accurate phrase “postponement of execution of sentence”.

The candidate chief assistant professor Ralitsa Svetlozarova Kostadinova takes part in this competition with 1 research study and 26 scientific articles and reports, which were not presented in the procedure for obtaining a scientific and educational degree "Doctor". The scientific articles and reports have been published in non-refereed peer-reviewed journals or in peer-reviewed editions with contributors. She has also published 3 textbooks and co-authored manuals.

The above shows high productivity of the candidate, publications focused on criminal law, in-depth research studies and analysis that have been published in reputable legal editions.

The candidate chief assistant professor Ralitsa Kostadinova has:

- 15 citations in monographs and peer-reviewed editions
- 11 citations or references in non-refereed peer-reviewed journals

This score indicates that the candidate is a well-known author, who carries out analysis and publishes research works.

The candidate has been functional expert for the Department of Law in the "Students practice" project, №BG0513PO001-3.306-0060, HRDOP, ESF in the period May-July 2013 and an academic tutor in "Students practice – Phase 1" project BG05M20P001-2.002-0001 in the period 2016-2018.

### **III. Teaching activity**

The candidate Ralitsa Svetlozarova Kostadinova fulfills all the criteria of NBU for teaching load, according to all indicators. Her teaching career began in 2001 after winning a competition for a criminal law assistant at NBU. She gradually progressed through the academic positions of senior and chief assistant. She teaches classroom and extracurricular courses in the Program of Law and other programs at NBU.

After obtaining her educational and scientific degree Doctor of Criminal Law in October 2011, she actively participated in refining the programs by offering and developing new courses for the Program in Law and the Program in National and International security in the field of law and crime prevention.

The candidate fully performs all academic requirements and works in the online training module "MOODLE - NBU". She organized conferences, discussions, public lectures, a series of lectures with Bulgarian and foreign speakers; set up and directs Criminal Law Student Circle; organized student events, reviewed reports; she is NBU alumni in charge; provided internships or traineeships for students; prepared numerous participation of students outside NBU and in national competitions; participated as a trainee in a training program - 2 trainings; participated as a trainer - in 2 trainings; participated in committees at the faculties - 2 participations;

The average score of the student's satisfaction surveys is over 4.55 with a maximum of 5.00. She received the "Favorite Teacher" diploma from the 2013 Law class.

### **IV. Administrative and social activities**

Chief Assistant Ralitsa Kostadinova participates in NBU collective bodies: she is member of the departmental board of the Department of law, director of the Master's program in Law in the period 2004-2013. She was member of the Accreditation Committee at the

Master's Faculty for a period of 5 years and a member of the NBU Library Council for a period of 5 years.

The candidate also has impressive public activity: legislative expertise; member of the Bulgarian Association of Criminology (BAC) from 2013 until now; editor-in-chief of Law Journal or NBU since 2018; creator and member of the editorial board of the Law Journal or NBU since 2005; Secretary of Legal Review journal - 2003-2005, Member of the Editorial Board of Studies in the Field of Law and Politics. Miscellanies, an edition of the Faculty of Law, administration and economy of Kujawy and Pomorze University in Bydgoszcz since 2017, member of the jury at the National Moot Court Competition (Criminal Law), organized by ELSA Bulgaria, 2012, Lecturer at the National Institute of Justice on the topic of traffic road crimes in 2012 and 2014, scientific leader of legislative research on "Good European Practices against Road Aggression", National Assembly, 2016.

#### **V. Personal impressions of the candidate**

I know the candidate Assistant Professor Ralitsa Kostadinova from her work in the Department of Law. Ralitsa Kostadinova PhD is one of the active members of the Department of Law. Besides teaching, she is actively involved in both administrative and community work. She takes part in the initiatives organized by the department and other NBU structures and units. She demonstrates willingness to perform assigned tasks and often she is the initiator of various events. In the last few years she has been working with great passion and dedication with the Criminal Law Student Circle, preparing students to participate in competitions. Equally valuable is her work in organizing events for students and faculty staff. She also is in charge of the NBU Law Alumni.

#### **VI. Opinions, recommendations and notes on the candidate's activities and achievements**

The research and teaching achievements of chief assistant professor Ralitsa Kostadinova, as well as her personal qualities and social commitment, give me reason to express a positive opinion on her application in the competition.

In view of the above, I propose that the Scientific Jury take a positive decision and that the NBU Academic Council elects chief assistant professor Ralitsa Svetlozarova Kostadinova for the academic position Associate professor at New Bulgarian University, professional field 3.6. Law (Criminal Law and EU Criminal Law).

prof. Ekaterina Mihailova, PhD