

**TO  
THE SCIENTIFIC JURY FOR THE SELECTION OF  
RALITZA SVETLOZAROVA KOSTADINOVA FOR THE  
ACADEMIC POSITION ASSOCIATE PROFESSOR**

**REVIEW**

By prof. Boris Vladimirov Velchev, Dr. habil., Sofia University “St. Kliment Ohridski”, area of professional specialization: 3.6. Law, Criminal law, on the scientific works presented for participation in a competition for the academic position “associate professor”, professional field 3.6. Law, announced in SG, issue. 83/2019 with sole candidate chief assistant professor Ralitza Svetlozarova Kostadinova, PhD.

**I. I. Evaluation of the applicant’s compliance with the minimum national requirements and the requirements of New Bulgarian University:**

The self-evaluation report of the candidate and the supporting materials presented thereto show that senior lecturer Ralitza Svetlozarova Kostadinova, PhD has fulfilled all minimal national requirements and the requirements of the New Bulgarian University to occupy the academic position “associate professor”. The candidate has 1 330 points for indicator groups from A to J, which exceeds the minimal score of 570 points.

**II. Research work and results**

**1. Information for the candidate, applying for the academic position “associate professor”**

Ralitza Kostadinova is well-known in the academic community. She participates in this competition with her second monograph, which follows the publication of her doctoral degree thesis on traffic road crimes. She is a contributor in another monographic research work on the history of the Bulgarian Criminal law, which was published in 2015 in English in Germany. She was also co-author of training manuals.

Ralitzza Kostadinova has more than 50 research articles, 26 of them written after obtaining the educational and scientific doctor degree. They deals with a wide range of criminal law topics, not only on the problems of penalties, but also on present-day issues such as terrorist crimes, human trafficking, economic crimes, corruption and more. This broad range of research interests together with her utmost professional precision give me reason to describe her is a renowned criminal law scholar. The author's record of citations shows that the publications of Ralitzza Kostadinova have been cited repeatedly in monographs, peer-reviewed edited collections and publications in reputable academic journals such as "СЪВРЕМЕННО ПРАВО", "De Jure", "Общество и право" and others.

She also has a remarkable professional career. It started in 2001 when Ralitzza Kostadinova became an assistant in Criminal law at the New Bulgarian University after winning the competition for the position. Afterwards she made her way to senior assistant and later on to chief assistant. In October 2011 she received her doctoral degree in Criminal law after successful defense of her PhD thesis "Traffic road crimes".

Ralitzza Kostadinova also has considerable practical experience in the area of Criminal law and practice. She was guest-lecturer at the National institute of justice in 2012 and 2014 on the topic of traffic road crimes as well as scientific director of a legislative survey "Aggression on the road".

### 3. Evaluation of the monographic work and its research contributions

The monographic work „Suspended sentence in Bulgarian Criminal law” consists of more than 250 pages /bibliography not included/. An impressive number of works in several languages has been used and correctly cited in the monograph.

The monograph consists of introduction, four chapters and conclusion. This structure was chosen well and it gave Kostatinova, PhD the opportunity to present and develop convincingly her reasoning.

Prior its publication, the research work was reviewed by prof. Anton Girginov and prof. Veselin Vuchkov.

In the introduction Kostadinova outlines the scientific aims she will pursue in her research – to clarify the notion and legal nature of suspended sentence, the requirements for its implementation, the regime and probation period, the legal status of the sentenced person and

finally, to propose amendments in the Criminal code based on the findings she made. As I will repeat it when reviewing the conclusion of the monograph, these objectives are successfully achieved.

Chapter one explores a large number of issues, starting with the history of the suspended sentence institute in Bulgaria and in other legislations which served as a source for reception of certain legal concepts over the years. The chapter examines in detail the provisions of the Suspended sentence act (1904) and analyses the reasons for the relatively delayed introduction of this institute in the Bulgarian criminal law. The monograph further proceeds with an in-depth review of the suspended sentence in the socialist period and the period of democratic changes in our country.

The author continues the chapter with analysis of the legal notion of suspended sentence.

She explores the legal nature and effect of the suspended sentence and puts specific emphasis on suspended sentence as a tool for delivering criminal justice. Other similar legal figures are compared and distinguished.

At the end of the chapter Kostadinova makes a summary of the conclusions reached so far. In fact, here one can find the true scientific merits of monograph concise and clear. In addition to making typology of the stages in the historic development of the suspended sentence, the author reaches a major conclusion, a contribution I would like to highlight, namely that both the execution and the legitimate non-execution of the punishment are tools for counteracting crime. The conclusion that suspended sentence is an instrument for carrying out criminal justice policy is a contribution which deserves support. /p.87/

Chapter Two examines the requirements for imposing a suspended sentence, starting with a general description.

Subsequently, the chapter reviews historically the penalties for which suspended sentence was applicable. Easy to understand, focus is placed on the requirements presently in effect. When analyzing them the author makes proposals *de lege ferenda*, related to probation /p. 104/.

Particularly impressive is the analysis made on the prior sentencing of the offender as a barrier to the application the suspended sentence /p.116-123/.

I completely agree with the understanding of the author /p. 146/ that the aims of punishment can also be achieved without it effectively being served and that the decision of the court on suspended sentence is similar to that on individualization of the punishment.

Chapter Three deals with the regime of suspended sentence. The problems of the probation period are thoroughly examined. The author pays special attention to the regime and legal consequences of the convict's conduct. All possible scenarios when a crime is committed during the probation period, intentionally or negligently, are discussed.

I agree with the author's view that probation measures should be imposed on all convicted persons.

A contribution of Kostadinova can be found in the definition she gives to the suspended sentence regime on p. 205 and the description she gives to the content of the relationship that arises out of that regime.

In the author's own words, Chapter Four is dedicated to the "European perspective of the suspended sentence". She examines the international acts under which suspended sentence imposed in one country can be executed in another country. International and European law issues are discussed. The Recognition, Execution and Forwarding of Judgments and Probation Decisions Act (2012) is comprehensively analyzed.

The author's inference that the institute should be renamed to "postponed execution of the punishment" stands out in the Conclusion as undoubtedly more accurate description of the institute/p. 238/. The Conclusion contains other worthy ideas of Kostadinova, namely the need to supplement the provision of art. 1, para. 2 of the Criminal Code with suspended sentence and the need to impose probation measures in all cases of suspended sentence.

I can't make any particular critical remarks on the monograph. In my opinion, it would have been to the benefit of the study if the author had made a more systematic comparative law survey in a separate chapter instead of dealing with comparative law in sections of the different chapters. This, of course, is a matter of author's choice how to present her scientific views.

My assessment of the monograph is entirely positive. It is fully compliant with all standards for the academic position "associate professor".

### **III. Educational and teaching activity**

Dr. Kostadinova fulfils all teaching activity requirements for all lecturing performance indicators. She started lecturing at New Bulgarian University in 2001 following a competition in which she obtained the position of assistant in Criminal law. Then she took the position of senior assistant and later on became chief assistant. She teaches lecture and training courses as well as

extracurricular learning courses in the Master's Degree Program in Law and other programs at NBU. After obtaining a doctoral degree in Criminal law in October 2011 she actively worked to improve the study program plans by introducing new courses in the Department of Law and the Department of National and International security in the area of law and crime prevention. In 2015 she introduced and ever since teaches EU Criminal law as an elective course to the students in semester 10 of the Master's Degree Program in Law. Since 2012 and presently Ralitzia Kostadinova updates and teaches at NBU: Training course in Criminal law, EU Criminal law, Practical course in Criminal law studies, Selected topics in Criminal law and criminal procedure law, Penitentiary law, Criminal law and criminal procedure law, Basics of Law, Criminal law aspects of combating corruption and other.

Kostadinova has developed a high level moodle e-learning module. By means of the NBU Moodle platform she provides training materials for all courses she teaches. Each course is accompanied by detailed presentation, links and additional materials as required by the NBU standards. The teaching process is also supported by a training manual "Criminal law in schemes and definitions" (co-author prof. Rumen Vladimirov), Forth revised edition, Sofia, Сиела, 2017. ISBN 978-954-28-2472-5, available in the Center for the Book, NBU, for the needs of Criminal law studies in NBU. The other publications of the author (more than 30) are also at the disposal of the NBU students and can be found in the NBU Scientific electronic archive.

Kostadinova was member of the organizational committee of student conferences and reviewer of student papers. Since 2018 she is head of the Criminal law NBU students study group and prepares the NBU teams for the National Moot Court competition.

Kostadinova receives high assessment marks from students. The average grade of Kostadinova, PhD for the last 10 semesters is Very good (4.55) out of 5.00. In 2013 she was awarded a "Favorite teacher" diploma from graduate students.

#### **IV. Administrative and social work**

Kostadinova has an impressive administrative career at NBU. She has been Program Director of the Law Program and program consultant during the period 2004-2013; member of the Accreditation committee at the Master's faculty (2010-2015) and member of the NBU Library Council from 2011 to 2016.

Kostadinova is an active community participant: member of the Bulgarian Association of Criminology (BAC) since 2013; chief editor of Law Journal of NBU - since 2018; founder and member of the editorial board of Law Journal of NBU since 2005; member of the editorial board of „Studies in the field of law and politics. Miscellanies“, issued by the Faculty of Law, administration and economy at Kujawy and Pomorze University in Bydgoszcz - since 2017; member of the jury of the National Moot Court Competition (criminal law), organized by ELSA Bulgaria, 2012; lecturer at the National institute of justice in “Traffic road crimes”, 2012 and 2014; scientific director of a legislative survey “Best European practices for combating aggressive driving behavior”, National assembly, 2016.

#### **V. Personal impressions of the candidate (if any)**

I have known Ralitza Kostadinova for years. I had the opportunity to discuss various criminal law problems with her. I can confidently say she is not only a knowledgeable colleague, but also a respected member of the criminal law community.

#### **VI. Opinions, recommendations and notes on the applicant's work and achievements**

The monograph „Suspended sentence in Bulgarian criminal law“ contains theoretical summaries and conclusions on important scientific and practical problems, relevant to the modern achievements of criminal law theory, which are substantial and original scientific contributions. She meets all requirements of the Development of the Academic Staff in the Republic of Bulgaria Act (DASRBA) and the Regulation for Implementing DASRBA. The monograph proves that chief assistant Ralitza Kostadinova has profound theoretical knowledge, professional skills in the area of Criminal law, with unquestioned capacity and expertise for scientific research. This holds true also for the other works presented for review. Apart from that, her teaching experience is beyond any doubt.

Based on the achievements of chief assistant professor Ralitza Kostadinova in her scientific research and teaching activity, together with her personal qualities and social engagements, I give positive assessment for her appointment as “associate professor” in professional field 3.6. Law (Criminal law and EU Criminal law) at the New Bulgarian University.

I don't have critical notes which can cast any doubt on the merits of the presented monograph.

In conclusion, given the above said, I give without any doubt my positive assessment for the candidate Dr. Ralitza Kostadinova and recommend that the Scientific Jury propose her to be appointed to the academic position "associate professor".

13.01.2020

prof. Boris Velchev, Dr. habil.