

OPINION

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Associate Professor in the professional field 3.6. Law (Constitutional law)

on the scientific works, presented in the competitive procedure for the academic position Associate Professor in the professional field 3.6. Law (Constitutional law), announced in State Gazette, No. 41/18.05.2021 by New Bulgarian University, with a single candidate Chief Assistant Professor Deyana Dimitrova Marcheva, PhD.

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

Documents have been submitted for participation in the competitive procedure for the academic position Associate Professor in the professional field 3.6. Law, announced by NBU in State Gazette, No. 41/18.05.2021, by one candidate - Chief Assistant Professor Deyana Dimitrova Marcheva, PhD. They show that she fulfills the requirements of the Development of the Academic Staff in the Republic of Bulgaria Act and its Implementing Rules, as well as the additional requirements of New Bulgarian University for the academic position Associate professor in the professional field 3.6. Law.

The candidate Deyana Marcheva has presented documents that certify that she has obtained the educational and scientific doctoral degree in law in 2011. In this competitive procedure she participates with the monograph “The Constitutional Principle of the Rule of Law”, published in 2021, as well as with many other scientific publications. The self-evaluation reference and the proofs hereto demonstrate that the candidate has occupied the position Chief Assistant Professor in New Bulgarian University for more than two years and that she meets the minimum national requirements under Art. 2b of the DASRBA, as well as the additional conditions of NBU with regard to her academic, teaching, social and administrative work. No plagiarism in the candidate’s scientific works has been proved in accordance with the relevant statutory procedure.

The candidacy of Chief Assistant Professor Deyana Dimitrova Marcheva, PhD fully complies with the minimum national requirements and the requirements of New Bulgarian University and in a series of indicators the total numbers of points awarded are significantly more than the threshold points.

II. Research (creative) work and results

1. Evaluation of the monographic work, including the scientific contributions and the applied research contributions of the author

In this competitive procedure application is presented the monograph, published in this year 2021 “Constitutional Principle of the Rule of Law” (Sofia: NBU Publishing House, ISBN 978-619-233-145-0), covering 429 pages, including foreword, introduction, four chapters with respective

parts, bibliography, summary in English etc. The work represents a completed and comprehensive scientific research that clarifies in an original way the substance of the constitutional principle of the rule of law, its genesis, development and destruction.

What is striking is the rich scientific apparatus, used by the author, the reference to multiple foreign legal, historical and other scientific sources. The titles in the bibliography are over 400, half of which in Latin alphabet. The footnotes are 1376 and the author correctly describes the works to which reference is made. It should also be noted that Dr. Marcheva has made translation, critical reading and analysis of a colossal quantity of scientific literature, which in itself represents her contribution. The researches of the rule of law in the Bulgarian legal literature from the Tarnovo constitution to the present day have been rendered systematic. The case-law of the Constitutional court on the application of the rule of law has been critically analyzed, the established basic violations of this principle have been summarized, and further aspects of the rule of law that have not been discussed by the Constitutional court have also been pointed out.

From the point of view of the structure and content this habilitation work is of interest not only for the jurists, but also for the experts in many other scientific fields, as well as for anyone interested in the issues of the development of statehood and the state government. The language in the monograph is very good and demonstrates a rich vocabulary, depth and reveals the characteristic author's view on the themes, distinguished with its interdisciplinarity and arguments mobilization from different spheres of science. A specific and surprising approach to the arrangement of the chapters of the work has been chosen – instead of the traditional (gradually in historical plan) review of the development of the constitutional principle, the analysis is focused firstly on the rule of law ideas in the Bulgarian law literature and jurisprudence (chapter 1), afterwards – on the socialist ideas and practice (chapter 2), then the author researches the genealogy of the rule of law ideas in the Athenian democracy (chapter 3), and in the last chapter are presented the debates on Rechtsstaat in Germany in the period 1933-1936 (chapter 4). Although such structuring diverts from the traditional one in the academic literature, it can be noted that the chosen approach assists the author to achieve the basic objective of her research – to throw light on the genesis, the development, the content of the constitutional principle of the rule of law, as well as the factors leading to the destruction of the rule of law.

A recommendation can be made for the work that it was possible to examine in further details and thoroughly the aspects and manifestations of the rule of law according to the latest case-law of the Constitutional court, as well as the contemporary Bulgarian law literature. However it would probably be burdensome for the monograph and might require restructuring of its parts, while the author emphasizes that she has deliberately preferred this line of her text construction.

2. Evaluation of the contributions in the other submitted publications

The candidate Chief Assistant Professor Deyana Marcheva, PhD has presented a significant number of publications for participation in this competition. Further to the monographic work in the procedure Dr. Marcheva participates with 21 more scientific works (articles and papers), published in the period 2013-2021, and thus she is awarded 205 points, the threshold being 100 points for the

academic position Associate Professor. The publications of the author are various and can be classified in several main groups: publications relevant to constitutional law and fundamental rights; publications in the area of administrative law and EU law; publications concerning other current issues of State and Law. It is notable that the range of the issues, covered by the candidate, is wide; that she has scientific interests in different legal branches; that she has analyzed a significant amount of literature and case law; that she goes beyond the frameworks of the traditional legal patterns and seeks a philosophical, genealogical and humanistic explanation of the examined problematics.

Most of the candidate's articles and papers, presented in this competitive procedure, are published in editions of NBU (collective volumes and yearbooks included in the National reference list), but the results of the author's scientific researches have also been presented to other authoritative forums.

In my view special attention and interest in the context of the constitutional law problematics deserve the articles "Constitution without Constitutionalism", "Human Rights as a Constitutional Principle in EU Law", "Towards the Invention of Human Rights", "The Right to Have Rights", "Judge and Justice", "The Socialist Equality of Women".

3. Citation by other authors

The candidate Deyana Marcheva, PhD has presented in the table for individual evaluation information for 27 discovered citations of her scientific publications by other authors. The number of citations exceeds five times the national requirements for occupying the academic position Associate professor (the threshold is 50 points while 265 points have been reported in this indicator). The citations are mostly in monographs and collective volumes with peer review, and some of them have been found in foreign editions – which is one more attestation for the significance of the scientific results, achieved by the author.

III. Teaching and Lecturing Activities

Deyana Dimitrova Marcheva has been appointed as Assistant Professor at NBU in 2014, and after a competition she has become Chief Assistant Professor in April 2016. The submitted documentation shows that the candidate has been teaching in the seminar exercises in constitutional law. She also has a lecturing experience in elective academic courses in the Law program at NBU, including Comparative Constitutional Law. In the period 2013-2016 Deyana Marcheva, PhD has also been teaching in the four-semester course English for lawyers, which is compulsory for the law students at NBU. The self-evaluation reference and the presented proofs show that the candidate has offered and elaborated two new elective courses for the Law program – "Administrative Law of EU" and "Public Procurements, Concessions and Public-Private Partnerships", and she has prepared numerous teaching materials for her academic courses, available online for the students.

Chief Assistant Professor Deyana Dimitrova Marcheva, PhD, has obtained the grade Very good 4.44 (the maximum being 5.00) in the student survey questionnaires on the course "Seminars in Constitutional Law". She has taken part in the organization and compilation of the collective

volumes of papers for two scientific conferences – “25 Anniversary of the Law Department at NBU” (2016) and “Scientific Readings in the Memory of Christian Takoff “Challenges to the Law” (2020). The candidate is one of the originators and organizers of the General University seminar series “Human Rights” at NBU that have been taking place since 2016, and she is the founder of the student group “Law and Literature” for students at New Bulgarian University. Chief Assistant Professor Deyana Marcheva, PhD develops her competences by participating in the trainings, organized by NBU for the academic staff, related to librarian and informational services, the work with the scientific electronic archive of NBU etc.

With her active teaching and educational work Chief Assistant Professor Deyana Marcheva fulfills the requirements of the law and the additional criteria of NBU for the academic staff development.

IV. Administrative and Social Work

The documentation of the candidate Chief Assistant Professor Deyana Marcheva shows that she performs her academic duties and regularly participates in the meetings of the Law Department Council of NBU, respects the student consulting hours etc. From 2015 till 2017 Deyana Marcheva works in the administration of NBU as a program consultant, and since 2017 till now she is a member of the Law Program Council.

The candidate is a member of authoritative national and international scientific and social organizations – she is a member of the Alliance of the Jurists in Bulgaria and of the International Society of Public Law ICON-S. She also has social works as a translator of academic law literature from English language.

V. Personal Impressions of the Candidate (if applicable)

I know the candidate Marcheva from the 2020 Scientific readings in the memory of Associate Professor Christian Takoff, PhD, “Challenges to the Law”, organized by her. My impressions are that she is organized, thorough, having a wide general culture and knows in details the scientific literature and the achievements in different legal branches, and she also manages to apply them with creativity both in her own scientific research and in the organization and participating in academic forums. Deyana Marcheva, PhD is a promising scholar and teacher and this is additionally evidenced by the proofs in this procedure.

VI. Opinions, Recommendations and Remarks on the Candidate’s Work and Achievements

In the light of the foregoing, I am convinced that Dr. Deyana Dimitrova Marcheva meets the requirements for occupying the academic position Associate Professor in Constitutional law. I express my positive assessment of her teaching, educational, administrative and social work, as well as her scientific contributions in the presented monographic work and the other exhibited publications in the application for this competitive procedure.

I make a proposal to the Scientific jury to pass a positive resolution, and to the Academic Council of NBU to elect Chief Assistant Professor Deyana Dimitrova Marcheva, PhD to the academic position Associate Professor at New Bulgarian University in the professional filed 3.6. Law (Constitutional law).

Date: 20.09.2021

Signature

(Associate Prof. Zornitsa Yordanova, PhD)