

OPINION

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on: a competition for the academic position Associate Professor in professional field 3.6. Law (Constitutional law), announced by New Bulgarian University in State Gazette, No. 41/18.05.2021.

I. EVALUATION OF THE COMPLIANCE WITH THE MINIMUM NATIONAL REQUIREMENTS AND THE REQUIREMENTS OF NEW BULGARIAN UNIVERSITY

A competition for the academic position Associate Professor in professional field 3.6. Law (Constitutional law) in New Bulgarian University has been announced in State Gazette, No. 41/18.05.2021. to meet the needs of the Department of Law.

The only applicant in the competition is Chief Assistant Professor Deyana Dimitrova Marcheva, PhD. She has provided all the required documents for participation in the competition that certify the fulfillment of the conditions and requirements of the Development of the Academic Staff in the Republic of Bulgaria Act, the regulation for its applications, as well as the additional requirements of New Bulgarian University for election on the academic position Associate Professor in the professional field 3.6. Law, as follows:

- The candidate Deyana Marcheva has obtained the educational and scientific doctoral degree in law in 2011 with a dissertation thesis on the topic: “Public-Private Partnership /administrative law aspects/”.
- A scientific monographic work with title “The Constitutional Principle of the Rule of Law”, publication of NBU, 2021, ISBN 978-619-233-145-0, 429 pages, has been presented.
- The candidate has been working as a chief assistant professor at New Bulgarian University for more than two years (from 2016 till now) and she meets the minimum national requirements as per Art.2b of DASRBA and the additional conditions of NBU as set in Art. 58, para 1 of the Regulation for the Development of the Academic Staff at NBU.
- No plagiarism has been proved under the statutory procedure in the scientific works of the candidate, presented in this competition.

I consider that the application of Chief Assistant Professor Deyana Dimitrova Marcheva, PhD, is fully in line with the minimum national requirements and the requirements of New Bulgarian University for election on the academic position Associate Professor, and in a number of indicators more of the necessary points have been scored.

II. RESEARCH (CREATIVE) WORK AND RESULTS

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

The candidate chief assistant professor Deyana Marcheva, PhD has presented a scientific work – monograph with title “The Constitutional Principle of the Rule of Law”, published by NBU, 2021, ISBN 978-619-233-145-0. This is a significant work on 429 in total. It is notable that the rich bibliography includes 206 works in Bulgarian and 212 works by foreign authors, mostly in English (pages 398-420).

The structure of the monograph is modern and follows an original logical sequence. The concept of the rule of law under Tarnovo Constitution and the earliest anonymous work on the topic comes to the fore. The following is a summary of the studies on the topic and afterwards focus shifts on three basic conceptions that influence some of the contemporary view of the rule of law – in the age of socialism (ch. II), in Ancient Greece (ch. III) and in the national-socialism (ch. IV).

I find particularly interesting how the issues of legality and the rule of law have been placed in the foundation of the research of two historical genealogical forms. This part of the monograph – chapters III and IV (pages 263-392), in itself represents an especially original contribution because the problematics is put in a polarized perspective – the ideas of rule of law in Ancient Athens and the debates for Rechtsstaat in Nazi Germany.

The candidate has expressed and argued her own scientific position in the study of the concept of rule of law in the age of socialism in Bulgaria by relating it to the socialist ideology. She presents the real extent to which this concept is incorporated as taken in the two socialist constitutions. The work contains multiple counterpoints in which practices on different levels have been intertwined so that to substantiate particular aspects of the rule of law, always put in a specific historical, ideological and political context.

The topic of rule of law is especially up-to-date in the last years. It is subject to political and legal debates and is entertained in numerous decisions of the Constitutional court, as well as many researches on various aspects in Bulgarian and other languages. The main merit of the monograph by Dr. Deyana Marcheva is her success in “filtering” the study and bringing it to a scientifically neutral position with argumentation and conclusions that can be especially useful in relation to the legal concept of the rule of law.

Some other relevant scientific contributions can also be pointed out with emphasis mostly on the solid construction of the work with a clear structure and scientific position. For the first time in the constitutional law literature is presented a resume of the concept of the rule of law from the formation of the new Bulgarian statehood after 1878 under the Tarnovo Constitution and in the following historical periods. The constitutional law doctrine in Bulgaria is analyzed in its development on the topic, and it is commented in view of the actual to a certain point in time real situation of the legality in Bulgaria. It is of particular relevance that the work covers all the decisions of the Constitutional court in the development of the case-law, analyzed in the context of the concrete cases of the questions for constitutionality of individual legal provisions, raised before the Constitutional court. Furthermore, the opinions of foreign authors are also provided so that to highlight the Bulgarian contribution to the theory of rule of law.

2. Evaluation of the contributions in the other exhibited works published after the appointment at the academic position Chief Assistant Professor, including an evaluation of peer-review requirement.

The candidate Dr. Deyana Marcheva has presented in this competition 21 articles, published in reviewed and indexed journals and collective volumes. They can be categorized in several groups:

- Issues of constitutionalism – in the articles “The Origin of Written Laws in Ancient Greece”, “Constitution without Constitutionalism”, “What Is Socialist Rule of Law?”, “The Socialist Equality of Women”;
- Issues of legal theory – in the articles “Judge and Justice”, “The Right to Have Rights”, “The Independent European Prosecutor”, “Towards the ‘Legal Imagination’ of James Boyd White (Why Does Law and Literature Make Sense?)”, “Towards the Public Law Concept of Authority”;
- Issues of administrative law, reviewed in the articles “Delegation in the Administrative Law of EU”, “The Limitations to the Prosecutor’s Control over the Administration in the Rule of Law”, “Legal Framework of the Methods for EU Budget Implementation”, “Towards the Concept of Administrative Procedure”, “Towards the Concept of Global Administrative Law”;
- Issues, related to the protection of human rights – in the articles “Do the Football Hooligans Have Human Rights?”, “Towards the Invention of Human Rights”, “Human Rights as a Constitutional Principle of EU Law”.

All the exhibited articles reveal an integral scholar who skillfully uncovers the most up-to-date topics and develops her own evaluations, openly disputes with recognized theories and authors when she believes that there are sufficient arguments to sustain a position, different from the mainstream one. In resume the candidate has covered a vast area of subjects and selects the most significant and sensitive issues and makes an attempt to offer her solution.

The excellent linguistic competence of the candidate, reflected in her academic courses in Legal English, is demonstrated in several articles in English on the issues of administrative law: “Chapter: Bulgaria” - In: (eds. Wayne Visser) World Guide to Sustainable Enterprise, that presents aspects of the sustainable enterprises in Bulgaria on a pre-define framework matrix; and “Administrative Culture in Bulgaria: Sources, Foundations and Transitions” - In: International Journal of Public Administration, that examines the unique historical experience of Bulgarian society in the formation of the administrative culture in Bulgaria. These publications by Dr. Deyana Marcheva substantially contribute to the promotion of Bulgarian legal science within the foreign legal community.

3. Citations by other authors.

The candidate Dr. Deyana Marcheva has presented information for 26 citations by authoritative Bulgarian scholars and 3 citations of her article „Administrative Culture in Bulgaria: Sources, Foundations and Transitions“ by foreign authors. Certainly, other citations can also be found taking into consideration the significance and timeliness of the issues developed by Dr. Deyana Marcheva, especially recently in the context of the multiple forums and editions devoted to the rule of law, the Rechtsstaat and its dimensions and the protection of human rights. The citations

referred to are fully sufficient to lead to the conclusion that the candidate's publications are important and serve as an argument in other legal studies.

III. TEACHING ACTIVITIES

Deyana Dimitrova Marcheva is appointed to work as an assistant professor at NBU in 2014, and after a competition is elected on the position of chief assistant professor in April 2016. Her teaching activities are mainly in the field of constitutional law – seminar classes in this subject since the academic 2015/2016 and lecture classes in elective courses in the Law program at New Bulgarian University, including comparative constitutional law.

In the period 2013-2016 she also teaches in the four-semester course English for lawyers which is a compulsory course for the law students at NBU (indicator 3.41. of the individual evaluation table).

It can be seen from the self-assessment reference and the proofs thereto that Dr. Marcheva has offered and elaborated two new elective courses for the Law program – “Administrative law of EU” and “Public Procurement, Concessions and PPP”. She has been preparing numerous teaching materials in her academic courses that have been uploaded for the students in the Moodle platform. The competition documentation includes printed those materials developed by chief assistant professor Deyana Marcheva on topics in the course “LAWN 2017 Seminars in Constitutional Law”, including Q&A, diagrams, block-schemes, tables.

Chief assistant professor Deyana Dimitrova Marcheva, PhD, has received the average grade 4.44 (with a maximum of 5.00) in the scores from the student survey questionnaires in the course Seminars in Constitutional Law for the last 10 semesters (indicator 3.35 of the individual evaluation table).

The candidate has participated in the organization and collective volumes preparations of two national scientific conference – “25 Anniversary of the Department of Law at NBU” (2016) and “Academic Readings in Memory of Christian Takoff ‘Challenges to the Law’” (2020). She is also one of the initiators and organizer of the Human Rights seminar series at New Bulgarian University that have started in 2016 and continue till now. She is also the founder of the Law and Literature student group at NBU.

Chief assistant professor Deyana Dimitrova Marcheva, PhD, continues to improve her skills by taking part in trainings, organizes by NBU for the academic staff, related to the library and informational services, the work with the scientific electronic archive of NBU etc.

By her active teaching and lecturing activities chief assistant professor Deyana Marcheva, PhD, fulfills the requirements of the law and the additional criteria of New Bulgarian University for the development of the academic staff, as set out in categories Ж, 3 and И of the individual evaluation table.

IV. ADMINISTRATIVE AND SOCIAL ACTIVITIES

The candidate strictly performs her academic duties as a member of the Law department council and the Law program council at New Bulgarian University, and she has also worked as a program consultant in 2015-2017 (indicator И.47 and И.48 of the individual evaluation table).

Deyana Marcheva is a member in national and international scientific and social organizations – the Alliance of the jurists in Bulgaria and the International Society of Public Law ICON-S (indicator Ж.23. of the individual evaluation table). She is also socially engaged as a translator from English language of academic law literature Тя има и обществена дейност като преводач от английски език на академична правна литература (indicator Ж.28. of the individual evaluation table)

V. MY OWN IMPRESSIONS OF THE CANDIDATE

I know very well the candidate dr. Deyana Marcheva ever since she has been a student and doctoral candidate at Sofia University, and afterwards as an assistant professor at NBU from 2013 till now. She is an exceptionally in-depth working young researcher and a loved teacher. She seeks to employ new methods and problematics in her academic courses and respectively she continuously enriches the teaching literature. As evident from the presented general bibliography her scientific interests include the most recent issues that face the Bulgarian jurists, which she examines in details and in a comparative law plan. She is a correct and dedicated colleague with a particular sense of responsibility and responsiveness to the students.

VI. OPINIONS, RECOMMENDATIONS AND NOTES ON THE CANDIDATE'S ACTIVITIES AND ACHIEVEMENTS

I have no special notes and recommendations on the activities of the candidate in the present competition. I dare to express my hope that she will further continue to develop her various teaching and scientific activities and she will achieve even more significant scientific results that will be a foundation for the future academic development and promoting the prestige of the department of Law at NBU.

In view of the foregoing, I believe that the presented documents and scientific works of Dr. deyana Dimitrova Marcheva are fully in compliance with the requirements for taking the academic position Associate Professor.

I express with conviction my positive assessment of her teaching, educational, administrative and social work, as well as of her scientific contributions in the presented scientific works and I propose to the Scientific Jury in this competition to take a positive decision and to propose to the Academic Council of New Bulgarian University to elect Chief Assistant Professor Deyana Dimitrova Marcheva, PhD, for the academic position Associate Professor in professional field 3.6. Law (Constitutional law) at New Bulgarian University.

**Sofia,
5th Aug 2021**

**The opinion prepared:
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