

REVIEW

by **Assoc. Prof. Dr. Mihail Alexandrov Malchev**, Higher School of Agribusiness and Regional Development, Plovdiv, field of higher education 3. Social, economic and legal sciences, professional field 3.6. Law (Civil and Family Law).

of the materials submitted for participation in a competition for the academic position "Professor" of Plovdiv University "Paisii Hilendarski" in the field of higher education 3. Social, economic and legal sciences; professional field 3.6. Law (Civil and Family Law).

Assoc. Prof. Dr. Lyuba Georgieva Panayotova - Chalakova from the Department of Civil Law at the Faculty of Law. faculty participates as a candidate in the competition for "professor", announced in the State Gazette, issue 57 of 26.06.2020 and on the website of Plovdiv University "Paisii Hilendarski" for the needs of the Department of Civil Law at the Faculty of Law.

1. General presentation of the procedure and the candidate

By order № P33-4706 of 25.09.2020 of the Rector of Plovdiv University "Paisii Hilendarski" (PU) I was appointed as a member of the scientific jury of the competition for the academic position "Professor" in PU in the field of higher education - 3 Social, economic and legal sciences, professional field 3.6 Law (Civil and Family Law), announced for the needs of the Department of Civil Law at the Faculty of Law.

Only Dr. Lyuba Georgieva Panayotova-Chalakova, associate professor at the Faculty of Law of the University of Plovdiv, submitted documents for participation in the announced competition.

The set of paper materials presented by Ms. Panayotova is in accordance with the Regulations for development of the academic staff of the University of Plovdiv, and includes the following documents:

- application to the Rector for admission to the competition;
- CV in European format;
- diploma for educational qualification degree "master" - notarized copy;
- diploma for educational and scientific degree "Doctor" - notarized copy;
- list of scientific works;
- annotation of the materials with which the candidate participates in the competition, incl. self-assessment of contributions;
- declaration of originality and authenticity;
- others, according to the application to the Rector for admission to participate in the competition.

The candidate Lyuba Georgieva Panayotova - Chalakova applied in total

17 scientific works - 16 articles, one of which is co-authored and 1 monograph (book). The 17 scientific papers that are outside the dissertation and are taken into account in the final evaluation are accepted for review. All scientific papers have been published in Bulgaria, one is a separate monographic study of 416 pages, published by Ciela, 3 articles have been published in proceedings of scientific conferences in the country, and the rest of the articles have been published in national specialized academic magazines and in publications with scientific and practical orientation.

The candidate has completed his secondary and higher education in Plovdiv. She is an excellent student at the Faculty of Law of the University of Plovdiv "Paisii Hilendarski". She successfully defended his dissertation in 2006 as a doctoral student at the Institute of Legal Sciences at the Bulgarian Academy of Sciences, Sofia, where she obtained a doctorate in law. In 1998 he started working as an assistant at the faculty, and in 2006 he was elected chief assistant. Since 2013 to the present she holds the academic position of "Associate Professor" at the Law Faculty of the University of Plovdiv "Paisii Hilendarski", and since 2015 he has been the head of the Department of Civil Law at the Faculty. In addition, in 2019 she became a member of the Academic Council of Paisii Hilendarski University of Plovdiv.

The candidate Lyuba Georgieva Panayotova - Chalakova has a successful career as a scientist and lecturer in the Department of Civil Law at the Faculty of Law - University of Plovdiv. It is a consequence of her creative and searching nature, research curiosity, consistency, conscientiousness and diligence. Her language skills (she uses three Western languages and Russian) also contribute to her successful career, which expands the horizons of her scientific research.

2. General characteristics of the candidate's activity

Assoc. Prof. Dr. Lyuba Georgieva Panayotova - Chalakova is a lecturer in Real Property Law, Intellectual Property Law, Notary Activity, Cadastre and Register, and successfully conducts lectures and seminars in these disciplines. The feedback on her teaching work from students and colleagues is excellent.

The creative activity of the candidate is very good. For more than 6 years after taking the academic position of "Associate Professor", she has published 16 articles and a monograph with a serious volume (416 pages). It is worth noting her first monograph - "Superficies in Bulgarian property law" (Fenea, 2009, p. 290).

The subject of the research of Assoc. Prof. Dr. Lyuba Panayotova-Chalakova are both current issues of Bulgarian property law (origin, development and comparative aspects of property; influence of European and constitutional case law on the concept of property and its protection; development of the concept and classification of property, etc.), as well as issues that, in addition to property law, relate to other branches of civil law (specifics of co-inheritance relations in the application of the presumption under Article 69 of the Civil Code; ownership; aspects of the lease agreement in agriculture; property and intellectual property). It should be noted that the academic research and contributions of Lyuba Panayotova-Chalakova are mostly related to issues of modern life and dynamics in legislation, which are widely discussed by society and institutions. This activity in favor of the public interest deserves high praise. The fruit of her scientific research is her latest impressive monographic study, dedicated to the ever-current topic of property development and prospects.

Assoc. Prof. Dr. Lyuba Panayotova-Chalakova is an active participant in national legal conferences. For the period under evaluation, she has participated in a significant number of scientific conferences organized by PU and Sofia University "St. Kliment Ohridski", presenting current issues of Bulgarian property law. She specializes in law faculties in France and Switzerland, which contributes not only to her personal academic and teaching development, but also contributes to the development of the Bulgarian academic community.

The scientific contributions of Assoc. Prof. Dr. Lyuba Panayotova-Chalakova are the following:

1. In the first place I would put the first of its kind monographic study in the Bulgarian legal literature, dedicated to the development and prospects of property. The book presents

the historical and multifaceted legal aspects of property as a phenomenon and as a property right with references to more than 80 foreign authors and publications. The very reference and commentary on such a rich foreign bibliography is a serious scientific contribution of the candidate. Interesting and accessible is the history of property from its inception in the ancient world and Roman private law, its gradual development over the ages, to the modern concept of it in different legal systems. The author's contribution is the substantiated substantiation of the thesis that in the historical development of property there is a tendency to create broader legal concepts in order to satisfy many different interests. Scientific value is the detailed examination of the objects in their capacity as objects of the right of ownership. In this regard, the changes under the influence of European law have been taken into account, both with regard to the traditional classifications of things, and the exceptional expansion of their concept in the direction of new objects. The position on the establishment of an autonomous European concept of property, which differs from the concept in the domestic law of the countries of the continent, deserves support. For example, the development of evolutionary case law on this issue by the European Court of Human Rights, which aims to respond to social change in a rapidly evolving world. The analysis of the classical powers of possession, use and disposal through the prism of the respective case law also has a contribution moment. In this regard, findings are presented for many common features in the case law of the Constitutional Court and the European Court of Human Rights, when ruling on similar issues of content and protection of the powers of the owner. The researched criterion of proportionality, applied in the practice of the Constitutional Court and the European Court of Human Rights in cases of violations of the right to property and its borders, deserves support. The conclusion is correct that the multilateral vision of property affects the nature and quality of its protection. It is precisely defined as pluralistic the modern protection of property that the European Court of Human Rights provides through its practice. The topic of the phenomenon in the doctrine, which is called the crisis of real law in "its identity, unity and coherence", has not been overlooked either. This phenomenon is presented as a specific postmodernism in property law, which opposes the monolithic concept of modern property. The book successfully applies the historical and comparative legal analysis to discuss the characteristics of property. The prospects for its development, refracted through the prism of the practice of the constitutional courts of European countries and that of the European Court of Human Rights, are also successfully presented. (№ I from the list of publications);

2. Compensation as a guarantee against arbitrary actions with regard to the right of ownership. (№ II-1 from the list of publications);
3. Study of cultural values of material and intangible nature and their comparison with the objects of intellectual property. (№ II-3 and 5 of the list of publications);
4. Development of the concept and classification of objects. (№ II-7, 10, 11 and 14 of the list of publications)
5. Civil law consequences (property and inheritance) in connection with the application of the presumption under Art. 69 ZS to relations between co-heirs. (№ II-2 and 9 of the list of publications)
6. Aspects of the agricultural lease agreement. (№ II-8 from the list of publications)

All listed contributions are the personal work of the candidate and represent a skillful and convincing proof of significant new aspects of existing problems. New, unexplored problems caused by social dynamics are also presented and analyzed.

3. Critical remarks and recommendations

I have no critical remarks about the candidate, as the scientific publications discussed are written in clear and understandable language, but at the same time there is an excellent academic style. The author has used a wide range of scientific research methods, which has obviously contributed to obtaining answers to all my questions.

My recommendations to the candidate are to look more actively for international expression by participating in international projects and scientific forums, given the very good language skills and an impressive level of academic expression.

CONCLUSION

The documents and materials submitted by **Assoc. Prof. Dr. Lyuba Georgieva Panayotova - Chalakova** meet all the requirements of the Academic Staff Development Act in the Republic of Bulgaria (RASRB), the Regulations for its implementation and the relevant Regulations of Paisii Hilendarski University of Plovdiv. She has presented a **sufficient** number of scientific papers published after the materials used in the defense of ONS 'Doctor of Law' and in which there are original scientific contributions. The scientific and teaching qualifications of Assoc. Prof. Dr. Lyuba Panayotova-Chalakova **is undoubted**. I would like to give my **positive assessment and recommend** to the Scientific Jury to prepare a report-proposal to the Faculty Council of the Faculty of Law for election of Assoc. Prof. Dr. Lyuba Panayotova for the academic position "Professor" at PU "P. Hilendarski" in professional field 3.6 . Law (Civil and Family Law).

24.10. 2020 г.

Reviewer:

Assoc. Prof. Dr. Mikhail Malchev