

## OPINION

by Assoc. Prof. Konstantin Vasilev Pehlivanov, PhD, Faculty of Law, Plovdiv University  
Paisii Hilendarski

under the procedure for acquiring Educational and Scientific Degree "Doctor" in the field of higher education 3. Social, economic and legal sciences, professional field 3.6 Law, doctoral program "Administrative Law and Administrative Process", in the primary unit Department of Public Law of the Faculty of Law at Plovdiv University Paisii Hilendarski

Applicant in the procedure: Tsvetanka Stefanova Hugasyan

Dissertation entitled "Conflict of interests and counteraction to corruption in state administration", academic supervisor Assoc. Prof. Bogdan Dragnev Yordanov, PhD

Dear members of the scientific jury,

I present this opinion as a member of the scientific jury appointed by Order P33-948/15.3.2021 of the Rector of Plovdiv University. By decision of the first meeting of the scientific jury I am charged to present an opinion on the dissertation of Tsvetanka Stefanova Hugasyan, PhD student, entitled "Conflict of interest and counteraction to corruption in state administration", supervisor Assoc. Prof. Bogdan Dragnev Jordanov, PhD.

The presented set of documents complies with the requirements of the Academic Staff Development Act of Republic of Bulgaria (ASDARB), and the Implementation Regulations of the ASDARB, and the Academic Staff Development Regulations of Plovdiv University.

The doctoral student was enrolled after the amendments to the ASDARB from 4.5.2018 and the requirements of Implementation Regulations of the ASDARB for compliance with the minimum national requirements apply to her. As can be seen from the attached reference, the doctoral student meets these requirements and the procedure is admissible.

Regarding the content of the presented dissertation I find the following:

The topic is relevant and suitable for dissertation. On the issue of conflict of interest there is no comprehensive study in view of the modern legislation. I am aware of a monograph (Nikolay Nikolov, The Conflict of Interest in Bulgarian Law, 2012) and a commentary on the Law on Prevention and Establishment of Conflict of Interest valid until 2018 (Nevyana Kaneva, 2012), but on the current Law on Counteraction of corruption and confiscation of illegally acquired property from 2018 I don't think there is a comprehensive study.

The volume of the work is 239 pages, it is systematically divided into an introduction, four chapters and a conclusion. The relevance of the work is without a doubt, the fight against corruption is a continuous process and the main issue is first of all its prevention through established procedures, and then - the timely establishment of a situation of conflict of interest.

The author of the dissertation has carefully studied the available literature, both administrative and constitutional, and the available analytical documents on the phenomenon of "corruption". The study of sociological sources is also good, insofar as the fight against a phenomenon presupposes, in the first place, its thorough study. The author has paid serious attention to international legal sources, especially those originating from the Council of Europe and the United Nations, as well as the analytical documents of the World Bank. Analytical documents and strategies at the national level, which can be defined as "soft law", have been studied (p. 33). I agree with the author's conclusion that the conflict of interests is not an excess of powers or lack of competence, but a special situation, an institution that arose in the development of administrative law.

I find the preventive role of the registers under LCCCIAP (Law on Counteraction of corruption and confiscation of illegally acquired property) well clarified, the proposals to consider the introduction of the category "Cases of high public interest" are a contribution, by developing and implementing a media policy to ensure publicity, to build a single standard for information policy of the Commission, in order to ensure equal access of the media to information, including on cases of significant public interest and to develop and publish summary statistical information, periodic reports and analyses on the results in the areas of the Commission.

The results of the Cooperation and Verification Mechanism, which lead to proposals de lege ferenda, are correctly reflected.

The analysis of the different models of a central government body to govern this field, is interesting, with reasonable fears that prevention may be relegated to the background by repression (p. 135).

The powers of the Commission for Combating Corruption and Confiscation of Illegally Acquired Property have been precisely analysed (Chapter Four). The analysis of the practice of the body (p. 170 et seq.) has a contribution significance, as far as it is a completely new body and now the directions in its work are outlined. The dissertation author's aspiration to collect empirical and statistical material makes a very good impression - basic statistics is created, distributed in diagrams, which illustrate the results of the work, serve as objective evidence and

are generally rare in the legal literature. I am also very impressed by the detailed analysis of individual files in the Commission and the subsequent judgment - adoption of the Western approach to case study.

I have no substantive remarks to the dissertation, in case of publication I would recommend a better editorial design. Some of the electronic links are not valid (see footnote 48). It would be good to divide the index at the end of the dissertation into parts - literature in Bulgarian, in a foreign language, electronic references, cited case law. This does not diminish the value of work and does not change my final conclusion.

As personal impressions of the dissertation author I will add that she was a student in the Master's program "Public Administration" at the Faculty of Law with a thesis in the same field, and I was her scientific advisor. I am glad that the master's thesis has found its appropriate development.

**In summary: I find that with the merits of the presented dissertation entitled "Conflict of interests and combating corruption in public administration" Tsvetanka Stefanova Hugasyan deserves the award of educational and scientific degree "Doctor" in higher education 3. Social, economic and legal sciences, professional field 3.6 Law, doctoral program "Administrative Law and Administrative Process" and at the open final meeting of the scientific jury I will vote in this sense.**

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Assoc. Prof. Konstantin Pehlivanov, PhD

5<sup>th</sup> May 2021  
Plovdiv