

To  
Members of the Scientific Juri, established by  
Order № P33-948 of March 15, 2021 of the  
Rector of the Plovdiv University “Paisiy  
Hilendarski” (PU) on the defense of a  
dissertation work of PhD student in self study  
Tzvetanka Stefanova Hugasyan from  
Department “Public Sciences” at the Faculty of  
Law (FL) to the PU

## REVIEW

of Prof. DSc. Georgi Petrov Penchev  
Faculty of Law at the Plovdiv University “Paisiy Hilendarski”

concerning: presented for defense of a dissertation work of PhD student in self study Tzvetanka Stefanova Hugasyan for obtaining of an educational and scientific degree “Doctor” in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law”, scientific specialty/doctoral programme “Administrative Law and Administrative Procedure” on topic “Conflict of Interests and Opposition to Corruption in State Administration” with scientific supervisor Ass. Prof. PhD Bogdan Yordanov

Dear Members of the Scientific Jury,

As a member of a scientific jury, established for assessment of a dissertation work, entitled “Conflict of Interests and Opposition to Corruption in State Administration” by PhD student in self study Tzvetanka Stefanova Hugasyan from Department “Public Sciences” at the FL to the PU under Order № P33-948 of March 15, 2021 of the Rector of the PU, I present you my review, prepared on the ground of Art. 10, par. 1 of the Development of the Academic Staff of the Republic of Bulgaria Act (DASRBA – State Gazette (SG), No. 38 of 2010, as amended), Art. 32, par. 1 of the Regulation for Implementation of the DARSBA, adopted by Decree of the Council of Ministers No. 202 of September 10, 2010 (RIDARSBA – SG, No. 75 of 2010, as amended) and Art. 38, par. 1 of the Regulation for Development of the Academic Staff of the Plovdiv University (RDASPU – In: Пловдивски университет „Паисий Хилендарски” [online]. [viewed 16.03.2021]. Available from: <https://uni-plovdiv.bg/uploads/site/pravilnici/PRASPU-10.06.2019.pdf> ).

### **1. Brief biographical data about the PhD student**

Tzvetanka Hugasyan finished her higher education in the Faculty of Zooengineering at the Higher Institute of Zootechnics and Veterinary Medicine (now – Trakiya University) – Stara Zagora in 1989. In 2019 she obtained a master’s degree in public administration after successful completing her study in the master’s programme “Public administration” in the Faculty of Law at the PU. During the period 1989-1995 she worked in administrative bodies related to

the selection and reproduction of animal husbandry in Pazardzhik and Plovdiv, during the period 1995-2004 she was engaged in own business, and since 2005 up till now she has been working in the Regional Directorate “Agriculture” – Pazardzhik to the Minister of Agriculture, Food and Forest. She has participated in a number of courses, commissions and conferences. She has taken as a PhD student in self study in the Department of Public Law Sciences to FL at PU with Order of the Rector of the PU № P33-535 of February 3, 2020, as of January 17, 2020 and she has struck of with the right to defense a thesis with the Order of the Rector of the PU № P33-6036 of December 17, 2020, as of December 11, 2020.

## **2. General description of the presented materials**

Presented by T. Hugasyan set of materials in paper and electronic form is in conformity with Art. 36 of RDASPU. She has published 3 articles on the topic of her dissertation work. In relation to the fulfillment of the national minimum requirements under Art. 2b, par. 2 and 3 of DASRBA and Art. 1a, par. 1 of RIDARSBA, my assessment of the number of points achieved by the author of dissertation work on the indicators defined in the Annex to Art. 1a, par. 1 of RIDARSBA in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law” is, as follows: by group of indicators A - at minimum 50, execution 50; by group of indicators B and C - no mandatory minimum requirements; by group of indicators D - at minimum 30, execution 30; by group of indicators E and F – no mandatory minimum requirements. From the presented materials and my abovementioned assessment about fulfillment of the national minimum requirements under DARSBA and RIDARSBA, it can be stated that T. Hugasyan fulfill the requirements of Art. 2b, par. 2 and 3 of DASRBA, Art. 1a, par. 1 of RIDARSBA and Art. 30, Art. 31, Art. 32, par. 2 and Art. 33, par. 1 of RDASPU, as well as of p. 1 of the Additional criteria of the FL at PU for obtaining of scientific degrees and academic positions, adopted by Decision of the Faculty Council of the FL at PU on Protocol № 4 of May 17, 2011, as amended (published In: ПЛОВДИВСКИ УНИВЕРСИТЕТ „ПАИСИЙ ХИЛЕНДАРСКИ” [online]. [viewed 16.03.2021]. Available from: [https://procedures.uni-plovdiv.bg/docs/requirements\\_uf.pdf](https://procedures.uni-plovdiv.bg/docs/requirements_uf.pdf) ), for the access to defense of her dissertation work.

## **3. Actuality of the issues and expediency of the set goals and tasks**

The dissertation work of T. Hugasyan is dedicated to significant in theoretical aspect and insufficiently researched up till now in our legal literature issue – the administrative law regime of the conflict of interests and opposition to the corruption in state administration. Its actuality, in my opinion, is determined by 2 circumstances. *On first place*, the need for efficient legal protection of persons, affected by corruption. *On second place*, the effectiveness of the legal protection of these persons is one of the indicators of the level of democracy, culture and moral in respective country. In this regard, the PhD student has precisely and successfully, in my opinion, defined the main goals and tasks in the introduction of his dissertation work.

#### **4. Knowledge of the issues of the dissertation work**

T. Hugasyan has demonstrated a very good knowledge of the state of the issues she is considering. It should be emphasized the fact that she has used a large number of literary and normative sources, and this is an indicator of both a very good literary awareness and a broad general culture.

#### **5. Research methodology in the dissertation work**

In the presented for assessment dissertation work “Conflict of Interests and Opposition to Corruption in State Administration” the comparative law and historical law methods of scientific research are mainly used. The chosen research methodology allows the achievement of the set goals and tasks of the dissertation work.

#### **6. General characteristics and assessment of the dissertation work**

The dissertation work is 239 pages long and in structural meaning consists in: Introduction (pp. 7-13); four chapters, dedicated respectively to: the general characteristics of the conflict of interests and corruption as phenomenon in the state administration (Chapter I, pp. 13-71); the indices for measurement during the monitoring of the level of corruption in the Republic of Bulgaria (Chapter II, pp. 71-115); the opportunities for the opposition and better detection of conflicts of interests and corruption practices (Chapter III, pp. 115-149); the role of the Commission for Opposition to Corruption and for Confiscation of Illegally Acquired Property (COCCIAP) and the Opposition to Corruption and Confiscation of Illegally Acquired Property Act (OCCIAPA – SG, No. 7 of 2018, as amended) in the fight against corruption (Chapter IV, pp. 149-214); the conclusion (pp. 214-218); and the list of used literature (pp. 219-239), which includes in general 104 Cyrillic titles and in general 23 Latin titles, as well as legal acts, documents and Internet sources.

The exposition in the dissertation is purposeful and meaningful. It is accompanied by separate comparisons and distinctions, justification of conclusions and analysis of definitions of notions.

#### **7. Contributions and significance of the dissertation work for the science and practice**

The scientific contributions of the study are of the category of “enrichment of the existing knowledge” and are based not only on investigation of the national and international legal regulation and judicial practice in the investigated field, but also on the personal views of the author on their efficiency, accompanied by a number of own and original conclusions and considerations.

The following specific scientific, scientific-applied and practical contributions in the dissertation work could be highlighted:

1) very good analysis of the notion “conflict of interests” in the legal doctrine and international relations (p. 14-21);

2) successful analysis of the nature and characteristics of corruption with examples from the Bulgarian and international legal regulation (pp. 22-35);

3) very good analysis of the causes and forms of the corruption (pp. 35-46);

4) original author's attitude on the connection between privatization and corruption (pp. 63-64) and impoverishment and corruption (p. 68);

5) successful analysis of the levels of corruption in Bulgaria, accompanied by statistics and tables based on sociological surveys (pp. 71-83);

6) very good analysis of the contribution of the Mechanism for Cooperation and Verification, which is realized through reports of the Commission of the European Union, on the effectiveness of the opposition to corruption in our country (pp. 86-88, 122-127);

7) successful analysis of the preventive character of the declarations under Art. 35 of OCCIAPA as a tool for opposition to corruption (pp. 88-106);

8) original and useful author's critique of OCCIAPA, related to the legal regulation of the confiscation of the illegally acquired property (pp. 95-96);

9) very good analysis of the International Corruption Perception Index, combined with statistics and assessment of the trends in this direction (pp. 106-115);

10) original author's proposal for the creation of a model of a "common institutional framework" for opposition to corruption (pp. 129-138);

11) successful analysis of the legal status and practice of the COCCIAP (pp. 149-162, 168-179, 182-200), as well as of OCCIAPA, including in a historical legal and international legal context (pp. 162-168, 179-181), combined with: a) an original author's conclusion that the conflict of interests is a prerequisite for criminal activity (pp. 170, 195); b) examples from the case law (pp. 200-207); and c) original author's suggestions for "future effective anti-corruption measures" (pp. 208-214);

12) in the conclusion a valuable and useful conclusions with theoretical and practical meaning from investigated legal regulation on a national and international level are made.

### **8. Assessment of the publications on the dissertation work**

T. Hugasyan has presented following 3 publications related to the subject matter of his dissertation work: "Economic and social aspects of the manifestation of the conflict of interests and corrupt practices". – In: Collection "Proceedings from the Annual University Scientific Conference". May 28-29, 2020. Vol. 9. Scientific direction "Social, economic and legal sciences". Veliko Tarnovo: Publishing complex of the NMU "Vasil Levski", 2020, pp. 37-46; "Comparative legal analysis of the notion corruption on a national and international level". – In: Collection "Proceedings from the Annual University Scientific Conference". May 28-29, 2020. Vol. 9. Scientific direction "Social, economic and legal sciences". Veliko Tarnovo: Publishing complex of the NMU "Vasil Levski", 2020, pp. 47-56; "The preventive character of the declarations under Art. 35 of OCCIAPA as a tool for opposition to corruption". – In: Collection "Proceedings of the Scientific Conference "Current Security Issues". October 22-23, 2020. Vol. 3. Scientific direction "Social and legal aspects of

security and defense”. Veliko Tarnovo: Publishing complex of the NMU “Vasil Levski”, 2020, pp. 86-95.

These publications successfully reflect a number of analyses and opinions of the author, embedded in certain parts of his dissertation work.

### **9. Personal attendance of the PhD student**

The outstanding contributions in the dissertation work and obtained results are a personal merit of Tzvetanka Hugasyan. She correctly quoted in line the literature used, related to the opinions of individual authors – a circumstance that excludes the presence of plagiarism. This is an indicator of the author’s scientific ethics, which undoubtedly deserves support.

### **10. Opinion on the Overview**

The Overview of the dissertation work of 41 pages long in Bulgarian and 39 pages long in English reflects on a very good level its content and achieved general results.

### **11. Critical remarks and recommendations**

Some critical remarks and recommendations can be addressed to the dissertation work, mainly of editorial meaning.

#### **11.1. Critical remarks**

- 1) Each chapter and each its paragraph must start on a separate page;
- 2) On page 92, line 26 instead of the words “come-at-able” the words “access to” should be used.

#### **7.2. Recommendations**

1) In Chapter One, the author could draw up his own definition of the terms “conflict of interest” and “corruption” and propose them de lege ferenda accordingly. Thus, the dissertation work would have an even greater contribution.

2) In the bibliography the used literature in Cyrillic and Latin and the “used articles and publications” in Cyrillic and Latin differentiated by the author separately, respectively in 4 parts, could be combined in 2 parts, as follows: a) used literature in Cyrillic, including both monographs and articles; b) used literature in Latin, including in a similar way monographs and articles.

### **11.3. Assessment of the impact of the critical remarks and recommendations on the scientific meaning of the dissertation work**

The pointed out weaknesses, however, do not diminish the significance and usefulness for the theory and practice of the proposed for defense dissertation work. It is written clearly, understandably, logically and is read with interest. It fills a gap in our legal literature in investigated field. These critical notes and recommendations are intended only to help the author in case he decides to continue his creative efforts on this issue and to publish subsequently his dissertation work as a book.

### **12. Recommendations for future use of dissertational contributions and results**

Based on the abovementioned scientific and practical contributions of the dissertation work, I recommend T. Hugasyan to publish it as a book

(monograph). I consider that this book will be of interest to both scientists and practitioners.

### **Conclusion**

Finally, based on the above:

1. In conclusion I declare that the dissertation work “Conflict of Interests and Opposition to Corruption in State Administration” contains scientific and scientific-applied results, which represent an original contribution in science and meet the requirements of Art. 6, par. 3 of DASRBA, Art. 27, par. 2 of RIDASRBA and Art. 32, par. 1 and 2 of RDASPU for obtaining of an educational and scientific degree “Doctor”. At the same time, this dissertation work shows that Tzvetanka Stefanova Hugasyan has in-depth theoretical knowledge and professional skills in the scientific specialty “Administrative Law and Administrative Procedure” by demonstrating qualities and skills for independent research. Therefore the PhD student meets the requirements of Art. 6, par. 1 of DASRBA, Articles 24-26 of RIDASRBA and Articles 29, 30, 31 and 32, par. 1 and 2 of RDASPU.

2. In relation to the abovementioned, on the ground of Art. 10, par. 1 of DASRBA, Art. 32, par. 1 of RIDASRBA and Art. 38, par. 1 of RDASPU, I give a positive assessment of the conducted scientific research, presented by the peer-reviewed dissertation work, overview, achieved results and contributions.

3. I suggest to the esteemed Scientific Jury, established under Order № P33-948 of March 15, 2021 of the Rector of the PU, on the ground of Art. 11, par. 4 of DASRBA, Art. 34, par. 1 of RIDASRBA and Art. 29 of RDASPU, to give the educational and scientific degree “Doctor” to Tzvetanka Stefanova Hugasyan in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law”, scientific specialty/doctoral programme “Administrative Law and Administrative Procedure”.

Sofia, 07.04.2021.

With respect: (s)

(Prof. DSc. Georgi Penchev)