

OPINION

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On the competition occupying the academic position of Associate Professor at the Faculty of Law of Plovdiv University "Paisii Hilendarski" in the Area of higher education 3. Social, economic and legal studies, professional field 3.6. Law (Theory of State and Law) proclaimed in State Gazette No 98/19.11.2024

I present this opinion as a member of the scientific jury appointed by Order No RD 22-446/18.02.2025 of the Rector of Plovdiv University 'Paisii Hilendarski' and on the basis of Decision of the scientific jury pursuant to Protocol No 1/25.02.2025 of the scientific jury, which assigned me to draw up an opinion.

One candidate, Dimitar Valkov Hanev PhD, currently holding the academic position of Chief Assistant Professor at the Department of Theory and History of Law of the Faculty of Law of Plovdiv University 'Paisii Hilendarski', has submitted documents in the competition for awarding the academic position of Associate Professor. A set of paper and electronic materials has been submitted in accordance with Article 66 (2) of the Rules for the Promotion of the Academic Staff of the Paisii Hilendarski University of Plovdiv. The candidate participated in the competition with a published habilitation paper entitled 'Legal Substantiation: Concept and Theory', a monograph on the basis of a thesis entitled 'Subject Law and Legal Freedom' and publications. He has held the positions of assistant and chief assistant for about 20 years, leading exercises in the discipline 'General Theory of Law'.

As for the admissibility of the procedure: I find the formal requirements fulfilled, the candidate meets the minimum national requirements and the procedure is admissible until a substantive examination before the scientific jury. The candidate for the academic position of Associate Professor has graduated in Law from the Faculty of Law of the University of Plovdiv, with the degree of Master. He has obtained the educational and scientific degree of 'doctor' in the same faculty in the same specialty, which fulfils the requirement of Article 24(1)(1) of the Promotion of the Academic Staff in Republic of Bulgaria Act. He has the required experience in a previous position.

On the merits of the procedure: insofar as the scientific jury in this procedure should make a proposal to the Faculty Council of the Law Faculty for election or non-election of the

candidate for the academic position, I evaluate the submitted application on three parameters: teaching experience, scientific production and acquired educational and educational and scientific degrees.

1. As for the acquired educational and educational and scientific degrees criterion. The candidate has submitted, as noted, evidence of having obtained diplomas for Master degree and educational and scientific degree of Doctor in the professional field 3.6 Law. There are no data on additional qualifications and other acquired educational and qualification degrees, but I find what is presented to be sufficient.

2. As for the professional experience criterion. The applicant has held the academic positions of assistant and chief assistant at full norm for nearly 20 years, and at the time of his entering the Faculty of Law of the University of Plovdiv, 'assistant' was a scientific title under the repealed Scientific Degrees and Scientific Titles Act, which experience should be respected under § 5(2) of the Transitional and Final Provisions of the Promotion of the Academic Staff in Republic of Bulgaria Act. He also has experience as a lecturer at the Faculty of Economic and Social Sciences. Therefore, he is well acquainted with the educational process and the educational documentation at the University of Plovdiv. He knows the accreditation requirements; he is Chair of the Committee on Quality in the Faculty of Law. As a result, if he were to take up the post of associate professor with rights of head of a course, he could immediately and effectively begin to perform his duties.

3. As for the criterion scientific production: the applicant has submitted a habilitation work that meets the requirements for a monograph within the meaning of § 1(1)(10) Promotion of the Academic Staff in Republic of Bulgaria Act entitled 'Legal Substantiation: Concept and Theory'. In the review of the legal literature in our country I have not found a scientific work with such a focus, which in itself makes it a work with novelty and contribution (somewhat close is the work of Zh. Sharankova "Legal Thinking"). I maintain, from a practical point of view, that, in the case-law, the concept of justification generally follows the achievements of procedural legal doctrine, in which it is mainly linked to the requirements for the motivation of judicial decisions stemming from the Constitution and the laws. A semantic analysis of the concept itself and its relationship with other concepts (thinking, argumentation) was conducted. I find the study on the correlation of justification and interpretation helpful, drawing the sources of this argumentation from the continental legal system and doctrine. The author's conclusion that 'justification, for its part, is an active activity which does not seek to establish, but to construct, meaning' is important for the purpose of the study. It will be interesting and useful

for the practitioner to refer to the concepts of 'justification' and 'proof' and to conclude that 'justification' can be defined as 'cognitive proof' (p. 32).

Methodologically accurate is the distinction between theoretical and practical justification. I support the conclusion that 'the practical aspects of legal justification are limited to the question of so-called "legal syllogism", from a cognitive point of view, in fact, justification is not subject to strict formalisation (p. 56), the author has also derived some requirements from the case-law of the ECtHR and from the doctrine of the rational legislator, which I also find practically important.

In the habilitation work, the interdisciplinary approach and thoroughness are impressive, starting from the concepts of cognitiveism, its comparison with other scientific schools, passing through the classical law school on the continent (mainly related to I. Kant) and its application in the practical reality of legal everyday life. I fully support the author's practical conclusion that 'Legal justification cannot be entirely thought of in terms that are abstract and similar to mathematical concepts – i.e. timeless, extra-spatial or extra-social' (p. 62), as well as the due connection with the institutionalisation of modern society. The schools formed in the XX century and modern trends are also studied.

The habilitation work is characterized by a thorough study of the scientific literature on the issue both in Bulgarian and in a foreign language. In summary, I find the habilitation work valuable and worthwhile, with qualities that make it suitable for the procedure.

The work issued on the basis of a protected doctoral dissertation has been defended before a scientific jury with a majority of external members of the University of Plovdiv established by the Promotion of the Academic Staff in Republic of Bulgaria Act, which makes it unnecessary to discuss here.

I also find the articles published in the periodicals to be of high quality, but I will allow myself a recommendation to the candidate to increase his publication activity.

In the candidate's work for the academic position of associate professor, I have not found plagiarism or the use of foreign scientific contributions in a manner that is not regulated by law.

In summary: I find that the applicant for occupying the academic position of Associate Professor, Dimitar Valkov Hanev, on the basis of the totality of the educational and educational and scientific degrees acquired, the qualities of the scientific production and the teaching

experience, complies with the requirements that the Faculty of Law of the University of Plovdiv lays down for those who hold the academic position of Associate Professor. Accordingly, I propose to the scientific jury to adopt a decision proposing to the Faculty Council of the Faculty of Law of the University of Plovdiv to choose Dimitar Valkov Hanev for occupying the academic position of Associate Professor in the Area of higher education 3. Social, economic and legal studies, professional field 3.6. Law (Theory of State and Law).

Drafted the opinion

(Assoc. Prof. Konstantin Pehlivanov PhD)

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Plovdiv