

To
Members of the Scientific Jury,
established by Order No. RD-22-446 of
18.02.2025 as of the Rector of the Plovdiv
University “Paisiy Hilendarski”
concerning the competition for occupying
an academic position “Associate
Professor” of the Plovdiv University
“Paisiy Hilendarski” in area of higher
education 3. “Social, Economic and Legal
Sciences”, professional field 3.6. “Law”,
scientific speciality “Theory of State and
Law”

R E V I E W

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

concerning: the materials, presenting for attendance in competition for
occupying an academic position “associate professor” of the Plovdiv University
“Paisiy Hilendarski” in area of higher education 3. “Social, Economic and Legal
Sciences”, professional field 3.6. “Law”, scientific specialty “Theory of State
and Law”

Dear Members of the Scientific Jury,

By Order No. RD-22-446 of 18.02.2025 of the Rector of the Plovdiv University “Paisiy Hilendarski” (PU) I have been appointed as a member of a scientific jury concerning a competition for occupying an academic position “Associate Professor” of the PU in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law”, scientific specialty “Theory of State and Law”, announced for the needs of Department “Theory and History of Law” of the Faculty of Law (FL) of PU. I present to you my review, prepared on the ground of Art. 26, par. 3 of the Development of the Academic Staff of the Republic of Bulgaria Act (DASRBA – State Gazette (SG), No. 38 of 2010, as amended), Art. 57, par. 2 and 3 and Art. 57a, 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. 68, par. 2 and 3 of the Regulation for Development of the Academic Staff of the Plovdiv University (RDASPU – In: Пловдивски университет „Паисий Хилендарски” [online] [viewed 21.01.2025]. Available from: <http://procedures.uni-plovdiv.bg/docs/praspu2018.pdf>).

1. General presentation of the procedure, presented materials and candidate

1.1. General presentation of the procedure

The competition on the occupying an academic position “associate professor” of the PU in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law”, scientific specialty “Theory of State and Law” for the needs of Department “Theory and History of Law” of the FL at the PU has been announced in SG, No. 98 of November 19, 2024 and in the Internet page of the PU. For attendance in the competition there are presented documents in time only one candidate - Main Assistant Professor (M. Ass. Prof.) PhD Dimitar Valkov Hanev from Department “Theory and History of Law” of FL at the PU.

1.2. General presentation of the received materials

First of all, it should be emphasized that the materials and documents presented by M. Ass. Prof. PhD D. Hanev in paper and in electronic form is in conformity with Art. 66, par. 2, 4, 5 and 6 of RDASPU, it has been also followed a procedure under Art. 67 of the same Regulation. He has submitted for the competition 4 scientific publications, from which 1 monograph entitled “The Legal Substantiation. Notion and Theory”, Plovdiv, UPH “Paisiy Hilendarski”, 2025, 180 pp., presented as a habilitation work, another monograph, entitled “Individual Right and Legal Freedom. From Classical Foundations to Contemporary Problems through the Prism of Bulgarian Legal Theory”. Plovdiv, UPH “Paisiy Hilendarski”, 2021, 246 p., based on a dissertation for obtaining an educational and scientific degree (ESD) „Doctor” (i.e. PhD), 1 scientific article „The Idea of Soft Law and the Concept of Validity in Legal Substantiation”. - In: Soft Law and Modern Law. Sofia, Siby, 2017, pp. 36-50 and 1 scientific study „The System of Forms of Individual Right”. - In: Property Relations in Law - Development and Perspectives. Plovdiv, UPH „Paisiy Hilendarski”, 2021, pp. 382-416, published after obtaining of ESD „Doctor” (i.e. PhD) in 2015. All presented scientific publications of M. Ass. Prof. PhD D. Hanev for attendance in the competition are in the field of the theory of state and law.

1.3. Brief biographical data of the candidate

The M. Ass. Prof. PhD D. Hanev obtained a law degree in the FL at the PU in 2004. During the period 2005-2025, he successively acquired the academic positions of Assistant Professor (2005), Senior Assistant Professor (2007) and M. Ass. Prof. (2009) in the Theory of State and Law at the same faculty. In 2015 he successfully defended a thesis for obtaining an ESD “doctor” (i.e. PhD) in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law”, post graduate programme “Theory of State and Law” in thesis entitled “Individual Right and Legal Freedom”. In addition, D. Hanev has participated at a number of national and international scientific conferences and 2 scientific-research projects.

1.4. Personal impressions from the candidate

My personal impressions of the candidate in the competition are very good. M. Ass. Prof. PhD D. Hanev possesses the necessary business (professional and organizational) and moral qualities for exercising his teaching activity in the PU. To her colleagues, incl. of the other faculties of law, the Institute of State and Law-BAS and legal practice seeks to be polite, careful and correct.

1.5. Fulfillment of the requirements for holding of academic position

In connection with the fulfillment of the minimum national requirements under Art. 2b, par. 2 and 3 of the DASRBA and Art. 1a, par. 1 of RIDASRBA, from the submitted materials in the competition can be made the finding that M. Ass. Prof. PhD D. Hanev satisfies the minimum national requirements for his admission to the competition.

2. General characteristics of the activity of the candidate

2.1. Assessment of the educational-pedagogical activity

M. Ass. Prof. PhD D. Hanev participates actively in the educational and pedagogical activities of the FL at the PU. He is conducting the exercises and a part of lectures in compulsory course "General Theory of Law" in the FL at the PU for students in full-time and, earlier, part-time training. He performs her duties in good faith as a lecturer in the above-mentioned discipline.

2.2. Assessment of the scientific and scientific-applied activity

In the light of the scientific activity of M. Ass. Prof. PhD D. Hanev it should be mentioned the fact that he presented the monograph "The Legal Substantiation. Notion and Theory" as a habilitation work. This monographic study of a candidate is a meaningful comprehensively scientific study in our country in this field. At the same time, in other presented publications, the author analyzed a variety of legal issues related to the theory of state and law.

2.3. Assessment of scientific and practical results and contributions of the presented for participation in competition scientific production

The scientific results of M. Ass. Prof. PhD D. Hanev in the field of the theory of state and law, I assess as an emphatically significant and significant.

2.3.1. Evaluation of the scientific and scientific applied contributions of the monograph "The Legal Substantiation. Notion and Theory", presented as a habilitation work

Among the scientific publications submitted by M. Ass. Prof. PhD D. Hanev for participation in the competition, in view of their contributions, the most important is to evaluate his habilitation work "The Legal Substantiation. Notion and Theory". In structural terms, it is subdivided into Introduction, 2 parts and a total of 8 subdivisions with Roman numerals (factual chapters) to them, respectively: Part One. The concept of justification in law (pp. 21-78), which includes the following factual chapters: I. Starting points: terminological distinctions and conceptual definitions (pp. 21-32); II. Methodology: legal substantiation, legal epistemology and cognitive science (pp. 33-42); III. Two types of legal substantiation: theoretical and practical (pp. 43-58); IV. Law as

social practice: subjects of substantiation and models of substantiation (pp. 59-78); Part Two (pp. 79-132), which includes the following chapters factually: V. Interpretive formalism: the classical heritage of natural law and 19th-century modelism (pp. 79-88); VI. In search of the new meaning: progressive versus conservative beginnings of the 20th century (pp. 89-102); VII. Attempting to reconcile extremes: rational pragmatism in the second half of the 20th century (pp. 103-116); VIII. Towards the loss of objective truth: the cult of the rational and the birth of postmodern theory in the late 20th century (pp. 117-132); Appendix (i.e., Annex) Legal substantiation and adjudication: legal substantiation as a function of the ability to judge (pp. 133-156); Conclusion (pp. 157-158); and Literature used ("cited") (pp. 159-178), which includes a total of 190 titles, among which 91 in Cyrillic, 89 in Latin, and 10 judicial decisions. The scientific contributions in this monograph and in the other presented publications in the field of the theory of state and law are expressed in the enrichment of existing knowledge through the proposed novelty in the research of a number of legal problems.

The specific scientific and practical results and contributions of the candidate in his habilitation work "The Legal Substantiation. Notion and Theory" can be outlined as follows:

1. the author's view of legal substantiation as a "complex process" in which its subject is both a consumer and a creator of "legal meaning," i.e., of the concept of law itself (p. 12), or as a "cognitive process" in the mind of a subject who is in a particular "social situation" (pp. 38-39), or as "an individual cognitive process through which legal meaning is constructed" (p. 157);

2. author's opinion on the subdivision of legal substantiation into two types, on the one hand, theoretical, which serves to build "initial notions of legal reality", and practical, which refers to judicial decisions (p. 15, 43-57, 59-78), and, on the other hand, in a broader sense, referring to "thinking" (the thought process), in the aspects of legal knowledge and truth-finding (pp. 16, 25, 27), resp. to the concept of law itself (pp. 25), and in a narrow sense, referable to argumentation in the aspects of discourse, rhetoric and persuasion (p. 16), i.e. to the derivation of arguments from already established "concepts" (pp. 26-27).

3. a very good author's analysis of the difference between legal subdivision and statutory interpretation (pp. 28-31);

4. author's opinion that "within legal scholarship, information is subject to interpretation and meaning to construction" (p. 38);

5. author's opinion on the difference between morality and ethics (p. 75)

6. successful author's analysis of legal substantiation in the context of the development of legal theory in the 17th-20th centuries, including an emphasis on natural law and legal positivism (pp. 79-132)

7. author's opinion on the nature of law enforcement as an activity (pp. 136-138);

8. author's opinion as to the correctness of the judgment, when it is: a) “satisfied the legal-technical criteria of validity”; b) rendered by an impartial tribunal that has freely formed its internal conviction; c) based on truth; d) reflects justice; and e) “convincingly substantiated” (p. 145);

9. in the conclusion are made a number of useful conclusions for legal science from a considered general legal issues of legal substantiation (pp. 157-158).

2.3.2. Evaluation of the scientific and scientific applied contributions of the monograph “Individual Right and Legal Freedom. From Classical Foundations to Contemporary Problems through the Prism of Bulgarian Legal Theory”

In the other monograph “Individual Right and Legal Freedom. From Classical Foundations to Contemporary Problems through the Prism of Bulgarian Legal Theory” of scientific contribution are the author's opinions on: a) the existence of methodological, legal-doctrinal and jurisprudential dimensions of the concept of "individual right" (p. 68); b) the content of individual rights as ethical grounds for the "consumption" of goods institutionalized in law (p. 77); c) legal freedom as a form of the individual right, which is expressed in the power of its holder to choose to perform certain actions (pp. 92-93) and to benefit from the goods that the subjective right protects (p. 177).

2.3.3. Evaluation of the scientific and scientific applied contributions of the study and the article, submitted for participation in the competition

In the study „The System of Forms of Individual Right” as a significant scientific and theoretical contribution can be highlighted the author's opinion that the content of the individual right is the goods to which it provides access, and the form of the individual right is the power (behavior) through which it is realized (p. 383).

In the article „The Idea of Soft Law and the Concept of Validity in Legal Substantiation”, as a significant scientific-theoretical contribution one can point out the author's opinion that in legal substantiation the emphasis is not on the final result (the practical decision) but on the process of its creation (p. 45) and that the subject of the legal substantiation is obliged to take into account the existence of a valid individual right (p. 47).

2.4. Assessment of the personal contribution of the candidate

The above mentioned contributions in the scientific production and the results obtained are the personal merit of the candidate for attendance in the competition. They are conditioned by the many years of conscientious and systematic exercised teaching and scientific activity of M. Ass. Prof. PhD D. Hanev in the FL at the PU.

3. Critical remarks and recommendations

Some critical remarks and recommendations, mainly of editorial nature, can be made to the presented habilitation work as the monograph “The Legal Substantiation. Notion and Theory”.

3.1. Critical remarks

1. On p. 134, footnote 220, after the words "Here I cannot not" the word "shall" should have been inserted before the word "agree".

2. The subdivision "Appendix" entitled „Legal substantiation and adjudication: legal substantiation as a function of the ability to judge” (pp. 133-156) should, because of its scientific-practical importance, be separated as an independent subdivision in the text of the point (i.e. Chapter) IV to Part One, because I consider it more appropriate that the appendix to a scientific work in the field of legal sciences should have an auxiliary, respectively informative, meaning to the main text.

3.2. Recommendations

1. It would have been better if the content of the monograph had been subdivided into chapters and paragraphs to them instead of parts and subdivisions with Roman numerals to them.

2. It is appropriate to use the Bulgarian translation instead of some foreign words (“foreigns”), e.g. "trend" (on p. 98, line 13), "premisses" (on p. 99, line 18), "obsession" (on p. 125, line 5) and "puzzle" (on p. 148, line 5).

3. On p. 114, line 6, instead of the word "project" the word "opinion" or the word "view" would have been more appropriate.

3.3. Assessment of the impact of the critical remarks and recommendations on the scientific meaning of the habilitation work

The mentioned critical remarks and recommendations do not at all minimize the importance and usefulness of the habilitation work presented by the candidate. I can definitely say that the monograph of M. Ass. Prof. PhD D. Hanev “The Legal Substantiation. Notion and Theory” has all the qualifications for his habilitation as an associate professor of PU in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law”, scientific specialty “Theory of State and Law”, and that in general it represents a significant scientific and applied contribution.

CONCLUSION

In conclusion, after acquaintance with the materials and scientific works presented in the competition, an analysis of their importance and the scientific and scientific-applied contributions contained therein:

1. I consider that M. Ass. Prof. PhD Dimitar Valkov Hanev fully meet the requirements of Art. 24, par. 1 of DASRBA, Art. 53, par. 1 of RIDASRBA and Art. 65, par. 1 and 2 of RDASPU for election to the academic position of “Associate Professor” in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law”, scientific speciality “Theory of State and Law”.

2. I give, on the ground of Art. 26, par. 3 of DASRBA, Art. 57, par. 3 and Art. 57a, par. 1 of RIDASRBA, and Art. 68, par. 3 and Art. 69, par. 1 of RDASPU, positive opinion to the teachers and scientific research activity of M. Ass. Prof. PhD Dimitar Valkov Hanev, which motivates me definitely towards positive conclusion for him to be elected on academic position “Associate Professor”.

3. I recommend to the Scientific Juri, on the ground of Art. 27a, par. 1 of DASRBA, Art. 58, par. 1 of RIDASRBA and Art. 70, par. 1 of RDASPU, to prepare a report with suggestion to the Council of Faculty of the Faculty of Law at the Plovdiv University “Paisiy Hilendarski” to elect Main Assistant Professor PhD Dimitar Valkov Hanev on academic position “Associate Professor” of the Plovdiv University “Paisiy Hilendarski” in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law”, scientific specialty “Theory of state and law”, for the needs of the Department “Theory and History of Law” of FL at the PU.

Sofia, 12.03.2025.

Review prepared by: (s.)

(Prof. DSc. Georgi Penchev)