

## Opinion

by Prof. Tsvetan Georgiev Sivkov, DSc

for a dissertation entitled: "Interpretation in Public Law"

for acquisition of the scientific degree Doctor of Science (DSc)

In Area of Higher Education 3. Social, economic and legal sciences

Professional direction 3.6 Law, scientific specialty

"Administrative Law and Administrative Procedure"

Pursuant to Order of the Rector of the University of Plovdiv No RD-21-1958/12.11.2024 and following a proposal by the Faculty Council of the Law Faculty I was appointed as a member of a jury on the defence of a dissertation for obtaining the scientific degree of Doctor of Sciences by Prof. Darina Zinovieva PhD, lecturer in Administrative Law and Administrative Procedure at the University of Plovdiv, Law Faculty.

At the first meeting of the scientific jury, I was asked to present an opinion on the procedure and on the presented habilitation work 'Interpretation in Public Law' by Darina Zinovieva. It is with pleasure and respect that I fulfil this obligation – with respect, because the proposed work has many qualities and is a step forward in public law theory, and with pleasure, because I know the author from the many years we have worked together.

The monograph submitted for review fulfils the requirements for habilitation work and fully meets the criteria and prerequisites for the protection of the scientific degree of Doctor of Sciences. It is clear from the documents I received and consulted that Prof. Darina Zinovieva Ph.D. meets the requirements and scientific indicators to enter the procedure for public protection of doctoral work.

On the basis of my knowledge of the matter, I am of the opinion that plagiarism cannot be said in this case. All authors are correctly quoted and their opinions on the issues discussed by the author in her work are presented. I refer positively to the fact that the second edition of her solid and promising work on interpretation in public law has been presented for doctoral thesis<sup>1</sup>.

This naturally suggests that this book is not an accidental idea, but a conscious desire to explore in development this important part of the application of public law

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<sup>1</sup> Zinovieva, D., Interpretation in Public Law, S. 2023, Ciela

rules – interpretation. It testifies to the purposeful efforts of Darina Zinovieva to contribute to the development of public law theory. This is how the study is presented in development – in the second edition of the book, presented as a doctoral thesis there are amendments and additions to the legislation and the development of case law.

The structure and content of the book are classic. They reflect the need to expose the author's theses and enable the author to present her views and develop them logically. Consistency and logic are characteristic of the whole text. They show that the author, based on her experience as a researcher and as a practicing lawyer, has found the right way to present the matter and the conclusions she draws are valuable for theory and practice.

The work consists of an introduction, three chapters and a conclusion. The first chapter, entitled 'Interpretation of substantive rules in public law', deals with the existence and establishment of new legal institutions and their interpretation. Her views on the concept of 'constitutional identity' are interesting. A view is presented on the interpretation of legal rules in cross-field legal relations in the conditions of dynamics in different social relations. The important things that are worth noting are a few. Among them is the fact that here the administrative authority can make an authentic interpretation in the conditions of many different special laws. In administrative law are interpreted various acts – normative acts, contracts, general and individual acts, which also hinders the very idea of interpretation as an analytical activity. All this is presented by the author in a reasonable and analytical way, which has significance for both theory and practice.

A special place is given to the interpretation in administrative penal law. Here there is a serious need, justified in a precise way by the author, that the interpretation of the hypothesis and the disposition is very important. The author's reflections on the difference between internal conviction in criminal law and operational autonomy in administrative law are very valuable.

The second chapter of the presented doctoral thesis is dedicated to the procedural specifics of interpretation in national, European and international justice. And here rightly Darina Zinovieva begins with the principles in the interpretation of national public law. It is valuable that a number of important and essential institutions of administrative law are presented from the point of view of the need for interpretation in public law. Of particular interest to me is the matter of the interpretation of the acts of the Constitutional Court and the Charter of Fundamental Rights and Freedoms. A valuable analysis has been made of the requests for interpretation made to the administrative courts. The author's approach to refracting

the activities of various institutions through the prism of interpretation, of explaining their individual competences or their overall activities is an original approach that bears good fruit – both for the quality of the work and for us readers, because a complete and comprehensive picture of interpretation in public law has been ironed out before us. Combining this approach with the consideration of different legal institutes – third party, access to justice, preliminary rulings, mediation, state responsibility, etc. is an extremely useful and timely approach.

In Chapter Three of the presented doctoral thesis, the interpretation in public law is presented as an assessment of a state and, more importantly and valuably, as a development and as perspectives. This was an extraordinary success for Prof. Zinovieva, because she made a link between past, present and future in this complex and unstable normative and political environment, in which public law must act as the main regulator of public relations. That is why I have examined with particular interest the matter of the impact of the electronization of justice and, above all, the emerging theory of legal forecasting. It, as the author rightly points out, can help to find a way out of the existing gaps in different industries and the need to apply institutes from one legal matter to another.

The dissertation presented is undoubtedly valuable and useful for the development of legal theory and practice. It represents a major step forward in the development of public law.

It meets the requirements of the law on monographic research and has qualities that give it the status of a dissertation for obtaining the scientific degree of Doctor of Sciences. I express my undoubted positive attitude towards it and express my positive assessment.

On the basis of the above, I believe that due to the qualities of the dissertation entitled ‘Interpretation in Public Law’, the scientific jury should award Prof. Darina Peeva Zinovieva PhD the scientific degree ‘Doctor of Science’ in the Field of higher education 3. Social, Economic and Legal Sciences, Professional direction 3.6 Law (Administrative Law and Administrative Procedure).

Prof. Tsvetan Sivkov, DSc

25.11.2024

Sofia

