

## OPINION

by Dr. Neli Georgieva Radeva, Associate Professor of History of the State and Law at the Department of Public Law Studies at the University of National and World Economy, Sofia

on the materials submitted for participation in a competition  
for the academic post of **associate professor**  
**of University of Plovdiv “Paisii Hilendarski”**

by: Area of higher education is 3. Social, economic and legal sciences;

Professional field 3.6. Law /History of State and Law/

Assoc. Prof. Dr. Desislava Vasileva Stoyankova of the University of Plovdiv “Paisii Hilendarski” took part in the competition for ‘Associate Professor’ announced in State Gazette No 31 of 11 April 2025 and on the website of the University of Plovdiv “Paisii Hilendarski” for the needs of the Department of Theory and History of Law at the Faculty of Law and she was the only candidate.

### **1. General presentation of the procedure and the candidate**

By Order No PD-22-1349 of 11 June 2025 of the Rector of Plovdiv University ‘Paisii Hilendarski’, I was appointed as a member of the scientific jury in a competition for the academic position of ‘**Associate Professor**’ at the **Plovdiv University** in the are of higher education 3. Social, economic and legal sciences, professional field 3.6. Law (History of the State and Law) proclaimed for the needs of the Department of Theory and History of Law at the Faculty of Law of University of Plovdiv “Paisii Hilendarski”

In order to take part in the competition for Associate Professor in History of the State and Law for the needs of the Department of Theory and History of Law at the Faculty of Law of University of Plovdiv “Paisii Hilendarski”, **the only candidate** has submitted documents: Chief Assistant Professor Dr. Desislava Vasileva Stoyankova from the Department of Theory and History of Law at the University of Plovdiv ‘Paisii Hilendarski’.

The set of materials presented by Dr. Desislava Stoyankova in paper and electronic form is in accordance with the Rules for the Development of the Academic Staff of the University of Plovdiv and includes the following documents:

- Annotation of the materials under Art. 65 of the Promotion of Academic Staff of Plovdiv University in Bulgarian and English;
- Application to the Rector of the Plovdiv University for participation in a competition for the academic position of associate professor;
- CV in European format;
- a notarised copy of a Doctor of Law degree;
- a notarised copy of a higher education diploma (MA in Law);
- a notarised copy of a university degree (Bachelor’s degree);
- Certificate of mediator;
- habilitation work;
- a declaration of originality and authenticity;
- two reviews of monograph work;
- a list of scientific publications on the subject of the competition;

- copies of scientific publications;
- a list of scientific publications;
- a reference to the citations;
- a list of citations;
- a declaration of originality and authenticity of the attached documents;

The candidate, Dr. Desislava Stoyankova, has applied a total of 5 scientific papers, including 2 monographs (one of which was issued on the basis of a protected dissertation), 3 articles and reports, an official memo for participation in a national project as an academic mentor to students from Plovdiv University "Paisii Hilendarski", Educational Project BG05M20P001-2.002-0001 "Student Practices - Phase 1" and a national project as an academic mentor to students from the University of Plovdiv "Paisii Hilendarski" Educational Project BG05M20P001-2.013-0001 of the Ministry of Education and Science "Student Practices - Phase 2" and a list of its research papers.

## 2. Short biographical details (of the applicant(s))

Desislava Vasileva Stoyankova was born on 12 November 1979 in Gabrovo. She obtained her higher legal education at the Faculty of Law of Plovdiv University 'Paisii Hilendarski' in 2004. The applicant also obtained a bachelor's degree in the specialty 'Bulgarian Language and History' in 2002. In 2015, Dr Desislava Stoyankova, defended a dissertation for the acquisition of an educational and scientific specialty 'Doctor of Law' at the University of Plovdiv 'Paisii Hilendarski' on the following subject: "Razlog legal monument dating back to the 19th century". It was registered with the Plovdiv Bar Association in March 2007 and has worked as an attorney-at-law at Bar Association - Plovdiv to date.

Dr. Desislava Stoyankova is a long-time lecturer at the Faculty of Law of Plovdiv University "Paisii Hilendarski" in History of the Bulgarian State and Law and History of the State and Law. From 2010 to March 2013, she held the position of part-time assistant professor, and from 2013 to 2017 she was an assistant and is currently a chief assistant at the Law Faculty of Plovdiv University.

Dr. Desislava Vasileva Stoyankova has extensive experience in teaching, which is a prerequisite and a guarantee for the good quality of practical and theoretical classes with students.

## 3. General characteristics of the applicant's activity

It is clear from the information provided by Plovdiv University that Chief Assistant Professor Dr. Desislava Stoyankova is conducting exercises on „History of the Bulgarian State and Law“, lectures on the following subjects: „History of the State and its Law“, „Legal Regime of Religious Denominations' and 'Church Law“. She is an established lecturer, with an innovative approach to the discipline taught, with active contacts with students and other faculty members.

As part of the competition procedure, Chief Assistant Professor Dr. Desislava Stoyankova, submitted for evaluation by the members of the scientific jury a monograph entitled **„State authorities in the Bulgarian constitutions – National Assembly, Council of Ministers. Head of State - 1879 -1991 (legal and historical analysis)“**, Plovdiv, Paisii Hilendarski University Publishing House, 2025, ISBN 978-619- 281-046-7, p. 420 and the following articles and reports: „*The National Assembly in the Bulgarian Constitutions*“ -C: Collection „30 Years of the University of National and World Economy – Successor of a Centuries-Old Tradition in the Development of Legal Science and Practice“, Sofia: Publishing Complex - UNWE, 2022, ISBN 978-619-232-651, pp. 108- 125; „*On the Obligations and Contracts Act 1892*“ - in: Collection „70 years Law on Obligations and Contracts“, Plovdiv. Paisii Hilendarski University Publishing House, 2022. ISBN 978-619-226-224-2, pp. 54-66. „*Societal and political factors in the adoption of the Constitution of the Republic of Bulgaria*“, Studia Iuris, No 02/2021, ISSN 2367-5314, pp. 90-98.

All these works were published after the date of obtaining the educational and scientific degree of Doctor of Law and meet the requirement of Article 24(1)(3) of the Promotion of

Academic Staff in Republic of Bulgaria Act and Article 53(1)(3) of the Regulation on its implementation and are subject to review.

The monograph published on „*State authorities in the Bulgarian constitutions – National Assembly. Council of Ministers. Head of State -1879 -1991 (legal-historical analysis)*“ is presented as a habilitation work and in a volume of 420 pages. Structurally, work comprises: Chapter one: Historical introduction; four chapters, a conclusion, cited literature, normative acts and other sources.

The monographic study provides a comprehensive legal-historical overview of the development of the Bulgarian constitutional system between the Tarnovo Constitution (1879) and the adoption of the current Constitution of the Republic of Bulgaria in 1991. It follows the institutional evolution of the main state bodies – the National Assembly, the Council of Ministers and the Head of State – in the framework of the three main constitutional epochs: monarchical, socialist and democratic.

Chapter One sets out the author's views on the conditions and circumstances under which the various constitutional acts were adopted. The process of adoption of the Tarnovo Constitution is outlined. A detailed historical analysis of the Constituent Assembly of 1879 was made. The contradictions between the formal requirements of the Berlin Treaty and the real political processes in the newly established Bulgarian Principality are presented. The four Bulgarian constitutions discussed in the chapter reflect the political regimes during the different periods of the History of the Third Bulgarian State.

In Chapter Two of the work begins with a detailed and analytical study of S. I. Lukyanov's draft of the Organic Statute. It follows how the process of discussion and adoption of the Constitution reveals the aspiration for popular representation and self-government. Particular attention is paid to the powers of the National Assembly, analyzing both the changes in its legislative and control function and the differences between the Ordinary and Grand National Assembly in the different constitutional periods. The author's approach is original. The development of the concept of two-level parliamentarism during the different stages of the new Bulgarian history and the influence of the different political regimes is discussed.

The author has examined in the next chapter the development of the Council of Ministers (CoM) as a central executive body in Bulgaria, through the prism of the various constitutional regimes – monarchical, totalitarian and democratic. The main focus is on: the powers of the Council of Ministers, the connection with the other authorities and the real political role of the government in the different epochs. The thesis that the concept of government has changed from the liberal model provided for in the Tarnovo Constitution, through the socialist concepts of unity of powers, to the modern model of separation of powers, is quite convincingly defended.

In Chapter Four of the monograph work, the subject of the study is the institution of the ‘Head of State’. It traces the evolution of the institution of the Head of State, from the monarchical form in the Tarnovo Constitution, through the collective organs of the socialist state (Presidium of the National Assembly and Council of State), to the establishment of the individual presidential institution within the democratic parliamentary republic after 1991. This reflects not only constitutional transformations, but also profound changes in ideological and political concepts of the organisation of state power in the various historical stages of Bulgarian statehood.’

The last chapter of the monograph is an in-depth legal-historical analysis of the transition period from the late 1980s until the adoption of the current Constitution of the Republic of Bulgaria in 1991. The study focuses on the institutional and political-legal prerequisites for the construction of a new constitutional framework, consistent with the principles of democratic governance, parliamentarism and the separation of powers.

The author presents in chronological order the events and processes that led to the need for a new constitutional act. The significant number of drafts for a new constitution submitted to the Standing Committee of the VII Grand National Assembly is analyzed, focusing on the differences

in visions regarding the form of government, the structure of state bodies and the balance between them. Special attention is paid to the procedures and parliamentary debates in the adoption of the new Constitution.

On the basis of a constitutional legal analysis, the author justifies that the 1991 Constitution is a modern act of democratic constitutionalism that affirms the parliamentary republic, the principle of the separation of powers, the independence of the judiciary and the protection of fundamental rights.

The chosen structure of the habilitation work reflects a professional approach on the part of Chief Assistant Professor Dr. Desislava Stoyankova, who testifies to her ability to analyze significant scientific problems about the history of the Bulgarian state and law, and to arrange her arguments in a convincing way. The language of the main habilitation work is light and readable, without this in any way affecting its character as a serious legal text.

***The report „The National Assembly in the Bulgarian Constitutions“ - C: Collection ‘30 Years of the University of National and World Economy - Successor of a Centuries-Old Tradition in the Development of Legal Science and Practice’, Sofia: Publishing Complex - UNWE, 2022, ISBN 978-619-232-651, pp. 108-125,*** examines the historical and legal development of the National Assembly as the supreme representative and legislative body in the four Bulgarian constitutions, from the Tarnovo Constitution (1879) to the Constitution in force in 1991. On the basis of a comparative analysis, the main transformations in the structure, powers and functioning of the parliament are outlined, in line with the changes in the state structure. The study highlights how the institutional role of the National Assembly reflects different models of statehood. Emphasis is placed on the restored parliamentary legitimacy after 1991 and on the establishment of the National Assembly as an expression of popular sovereignty and an essential element of the mechanism of the separation of powers.

***The article “On the Obligations and Contracts Act 1892” – C: ‘70 Years of Obligations and Contracts Act’, Plovdiv. Paisii Hilendarski University Publishing House, 2022, ISBN 978-619-226-224-2, pp. 54-66,*** presents a historical-legal analysis of the first systematic normative act in the field of contract law in the Principality of Bulgaria. Emphasis is placed on the need to build a stable legal framework after the Liberation and on the influence of foreign legal systems, especially the Italian Civil Code of 1865. Both the structure of the law and its content, as well as the process of legal reception and adaptation, are examined. The importance of the Obligations and Contracts Act’ of 1892 as a normative, historical and doctrinal basis for the further development of the Bulgarian civil legislation is emphasized.

***The article „Societal and political factors in the adoption of the Constitution of the Republic of Bulgaria“, p. Studia Iuris, No 2, 2021. ISSN 2367- 5314.pp. 90-98,*** presents an in-depth legal-political analysis of the process of elaboration and adoption of the 1991 Constitution of the Republic of Bulgaria, situated in the context of post-totalitarian institutional transformation. Particular attention is paid to the role of the VII Grand National Assembly and the National Round Table as key mechanisms for political dialogue and constitutional establishment. The study focuses on ideological clashes, conceptual debates and the pursuit of a legitimate democratic framework. The 1991 Constitution has been interpreted not only as a supreme normative act, but also as an expression of a new public consensus promoting the rule of law, parliamentarism and the protection of fundamental rights.

***Contributions (scientific, applied, applied) and citations***

The monograph „*State authorities in the Bulgarian constitutions – National Assembly. Council of Ministers. Head of State – 1879-1991 (legal-historical analysis)*“ is a comprehensive and in-depth study of the development of the Bulgarian constitutional system from 1879 to 1991, focusing on three main state bodies – the National Assembly, the Council of Ministers and the Head of State. Her scientific contribution unfolds in several interrelated directions, which together establish her as a significant work in the field of legal history and constitutional development of Bulgaria.

The monograph applies a complex methodological model that combines historical-legal and comparative-legal analysis. The study is not limited to a descriptive comparison between constitutional provisions, but puts the institutions in the context of the specific historical epoch.

The author skillfully structures the analysis through clearly defined historical periods corresponding to the basic constitutional regimes. The evolution of competences, functions and hierarchy between authorities is consistently tracked, allowing the identification of key models of institutional interaction and at times of destabilization and transformation.

A particularly significant contribution is made by the use and analysis of original source documents – stenographic diaries, archival records, draft constitutions and other sources. This makes the study particularly valuable for future researchers.

Through a critical reading of the past, the paper offers reasoned conclusions on the effectiveness, resilience and vulnerabilities of the Bulgarian institutions – conclusions that are also relevant to the modern constitutional framework. The study has the potential to inform future reforms, especially in the sphere of the balance between the authorities and the functional role of the head of state and the government.

The monograph is distinguished by a high degree of analytic skills, originality and interdisciplinary depth. It fills a significant gap in Bulgarian legal historiography and offers a sustainable model for the study of institutional evolution. Through a critical synthesis of normative texts, political reality and archival evidence, the work not only contributes to a better understanding of the historical grounds of contemporary Bulgarian statehood, but also lays the basis for further research and expert debate in the field of public law and constitutional theory.

In summary, I find that the monograph work presented has undeniable scientific merit and possesses the qualities of habilitation work within the meaning of the Promotion of Academic Staff in Republic of Bulgaria Act and the Regulation on its implementation for holding the academic position of associate professor.

#### **4. Critical remarks and recommendations**

My main recommendation to Chief Assistant professor Dr. Desislava Stoyankova is to increase her publication activity.

### **CONCLUSION**

From the materials presented in the competition, it is established that the candidacy of Chief Assistant Professor Dr. Desislava Stoyankova meets all the requirements of the Promotion of Academic Staff in Republic of Bulgaria Act and the Regulation on its implementation. The habilitation work and the other publications of the candidate reveal the high level of scientific creativity and the potential for significant future achievements in the field of research on the History of State and Law (History of the Bulgarian State and Law).

On the basis of my overall assessment, I consider that the candidate in the competition, Dr. Desislava Stoyankova, has all the necessary qualities, teaching and research experience, for holding the academic position of associate professor, and I strongly suggest that the scientific jury adopt a

decision proposing that the Scientific Council of the University of Plovdiv, Dr. Desislava Stoyankova, be elected to the academic position of associate professor in the Area of higher education 3. Social, economic and legal sciences, professional field 3.6. Law, scientific specialty „History of State and Law“.

**Drafted the opinion: .....**

(Assoc. Prof. Dr. Neli Radeva)

31.07. 2025 г.