

## REVIEW

By Prof. Dr. Boyka IVAYLOVA Cherneva,

Internal member of a scientific concourse jury in competition for occupying the academic position of associate professor, promulgated in SG No 31/11.04.2025 under Higher education area 3. Social, economic and legal sciences, Professional direction 3.6 Law (History of State and Law)

Order No 1349/11.6.2025 of the Rector of Plovdiv University "Paisii Hilendarski"

### **Dear members of the scientific jury,**

In connection with a competition to occupy the academic position of associate professor in Higher education area 3. Social, economic and legal sciences, Professional direction 3.6 Law (History of State and Law), I am appointed to prepare a review of the documents submitted by the sole candidate in the procedure, Dr. Desislava Vasileva Stoyankova.

Peer review is structured in five main parts: (1) details of the applicant in the procedure: education, professional qualifications and professional experience; (2) a common feature of the scientific publications submitted in accordance with the Promotion of Academic Staff in Republic of Bulgaria Act, the Rules for the Implementation of the Act and the Rules on the Promotion of Academic Staff of Plovdiv University; (3) scientific contributions and practical and applied results; (4) critical remarks and recommendations; (5) conclusion containing an assessment for the applicant in the procedure.

### **1. Details of the applicant in the procedure**

Dr. Desislava Vasileva Stoyankova obtained a Master's degree in Law at the Department of Law of Paisiy Hilendarski in 2004. She has a bachelor's degree in Bulgarian Language and Literature from Plovdiv University "Paisii Hilendarski". She has also obtained a professional qualification in Bulgarian language and history and a teacher of Bulgarian language and history.

In 2015, she defended dissertation work on the subject of the 'Razlog legal monument of the nineteenth century' and acquired the academic and scientific degree 'Doctor of Law' in the doctoral programme 'History of the State and Law'.

Dr Stoyankova is currently chief assistant professor in the course of "History of the State and Law" in the Department of Theory and History of Law of the Law Faculty of Plovdiv University "Paisii Hilendarski". She conducts seminars and lectures of the Law speciality and other specialities. She administers the Master's Degree in Public Administration. Dr Stoyankova participated in a number of scientific fora, mainly in the field of law. In 2007, she was registered with the Plovdiv Bar Association and worked as a lawyer. She is entered in the register of mediators

of the Ministry of Justice. Participated in seminars and courses related to personal data protection, accreditation of higher education institutions, artificial intelligence in education and others.

Dr Desislava Stoyankova's education, posterial qualification and experience is entirely in the field of the competition.

## **2. Common feature of the applicant's scientific publications in the procedure**

Dr Desislava Stoyankova presented for recurrence monographic work 'State authorities in Bulgarian constitutions – National Assembly, Council of Ministers, Head of State – 1879-1991. Legal/historical analysis', as well as three articles: 'The National Assembly in Bulgarian constitutions'; 'On the Obligations and Contracts Act 1892'; Social and political factors when adopting the Constitution of the Republic of Bulgaria'.

Structurally, monographic paper "State authorities in Bulgarian constitutions – National Assembly, Council of Ministers, Head of State – 1879-1991. Legal/historical analysis" contains a foreword, five chapters, a conclusion, literature, legal acts and other sources.

*Chapter 1 is entitled 'Historical introduction. History of adoption of state acts.'* It analyses the Constituent Assembly for the adoption of the draft of the Tarnovo Constitution, the Constitution of the People's Republic of Bulgaria of 1947, the Constitution of the People's Republic of Bulgaria of 1991. This part of the monographic study is methodological in relation to the legal and historical analysis. It creates a precise basis for the comparative study subject to the monograph. This allowed Dr Stoyankova to consider the constitutions cited as elements of a legal system and to monitor the evolutionary nature of the principles on which the state structure is built. Chapter 1 offers an interesting historical overview of the public and political context in which the constitutions examined were adopted. This makes it possible to compare the constitutional rules of the State authorities in historical terms. The analysis is a major challenge given the discussion of constitutions that belong to different political and economic systems, which the author has managed to cope with. It is worth noting the author's heterogeneous view, who, without incurring political argumentation and analysis, focuses on those historical and political processes that are relevant for the legal analysis.

*Chapter Two deals with the highly interesting topic of the National Assembly in the Bulgarian constitutions.* Consideration was given to the Grand National Assembly under the Turnovo Constitution, following the development of the draft constitutional framework in comparative terms, both in terms of a used foreign constitutional framework and with regard to the draft of the Tarnovo Constitution itself, i.e. the amendments to the original draft. The same approach was used when presenting the Regular National Assembly. A historic analysis of the development of the Tarnovo Constitution project is valuable. Attention has been paid to the progressive charter of the Tarnovo Constitution. The powers of the National Assembly in the Turnovo Constitution of 1879 were represented independently.

Chapter Two presents in depth the powers of the national Assembly in the Constitution of the People's Republic of Bulgaria of 1947, which resulted in a comparative analysis between the powers of the National Assembly in the Tarnovo Constitution and the powers of the National Assembly in the 1947 Constitution of the People's Republic of Bulgaria. A similar approach has also been used when considering the powers of the National Assembly in the Constitution of the Republic of Bulgaria of 1971.

*Chapter Three continues with a legal-historical analysis of the Council of Ministers (Council of Ministers).* It contains a valuable analysis of the socio-political context. Looking at the executive through the lens of the powers of the Council of Ministers has allowed the author to address issues of mutuality between authorities. Attention has been paid to the political responsibility of ministers. Again, the comparative legal analysis is highly valuable, especially as regards the powers of the Council of Ministers in the socialist and democratic constitutions of Bulgaria.

*Chapter Four is devoted to the Head of State in the Bulgarian constitutions.* The presentation of the Grand National Assembly meeting on the election of the new Bulgarian prince after the adoption of the Tarnovo Constitution is valuable for history. Attention is drawn to the monarchic kind of the state. A detailed analysis also sets out the powers of the Presidium of the National Assembly in the Constitution of the People's Republic of Bulgaria of 1947 and then the powers of the Council of State in the Constitution of the People's Republic of Bulgaria of 1971. The relationship between the National Assembly and the Council of State is highlighted. The substantive analysis is again legal/historical (comparative).

Chapter Five is entitled '*Legal historical analysis and assumptions for the adoption of constitutional provisions concerning the National Assembly, the presidential institution and the Council of Ministers (1990-1991)*'. It largely builds on the rest of the monograph and, to the greatest extent, contains summaries, conclusions and corresponding scientific contributions. The analytical nature of the chapter should be fully noted. A very good balance has been found between historical analysis and its legal significance. Much of the conclusions are of a highly theoretical nature in the field of law.

The paper is characterised by a good style and clear narrative. There is respect for the reader and a desire to convey the matter with correctness to historical and legal issues. The author interestingly and respectfully to Bulgarian history and constitutional identity presents the topics covered by the monograph.

In the article 'National Assembly in Bulgarian constitutions', Dr Stoyankova traces the evolution of the National Assembly institution in the Bulgarian constitutions. To the extent that this topic has been continued in the peer-reviewed monographic study, I will not explicitly review it.

In the article 'On the Obligations and Contracts Act', Dr Stoyankova clarified the legal logic, structure and role of the 1984 Obligations and Contracts Act as the first codification act in

the Library Law in Bulgaria after the Liberation. Attention is drawn to the modernisation of Bulgarian civil law.

The article ‘Socio-political factors in the adoption of the Constitution of the Republic of Bulgaria’ provides a systematic analysis of important public policy processes for the adoption of new institutional solutions. Attention is drawn to the role of the Seventh Grand National Assembly.

The conclusion clearly sets out the main objectives and results of the research. The author disturbed the conclusions of the profound social and political changes reflected in the current Constitution of the Republic of 1991.

### **3. Scientific contributions and practice-applied results**

The scientific contributions to the monographic study ‘State authorities in Bulgarian constitutions – National Assembly, Council of Ministers, Head of State – 1879-1991. Legal/historical analysis’ can be summarised in three main groups.

In the *first place*, the study proposes a comparative analysis of constitutional acts which have not been the subject of an in-depth study in Bulgarian legal science, in particular the constitutional framework of state bodies for the Constitution of the People’s Republic of Bulgaria of 1947 and the Constitution of the People’s Republic of Bulgaria of 1971. Given the serious socio-political and economic changes, the development of the constitutional legal framework during the socialist state, legal science needed serious research. The monographic study bridges the significant gap in this regard by offering a legal analysis without ignoring the political context.

*Secondly, the monographic* research makes a major contribution to the development of historiography with regard to the creation of the constitutional framework of state authorities. The scientific contributions here are entirely in the area of country history and law. It is important to stress that the study is oriented towards the functioning of the institutions.

*Thirdly*, a comparative analysis of the constitutional framework of state authorities in the Tarnovo Constitution, the Constitution of the People’s Republic of Bulgaria of 1947, the Constitution of the People’s Republic of Bulgaria of 1971 and the Constitution of the Republic of Bulgaria of 1991 make a significant contribution. This makes it possible to monitor the development of constitutional texts as part of the Bulgarian legal system. The monograph draws conclusions on the continuity and change in the legal institutionalisation of state authorities in the Bulgarian constitutions. The different political system is not a constraint. Key processes and tendencies in the development of Bulgarian statehood have been revealed.

The monographic study also has a few practically applicable contributions. It allows for a better understanding of the changes to the constitutional framework, which would serve to change modern state institutions, including *de lege ferenda* changes to modern contexts.

Contributions and practically applicable contributions results can also be found in the articles presented for peer review.

#### **4. Recommendations**

Some recommendations related to the future work of Dr Stoyankova can also be made to the monographic study. The study will definitely be enriched if a comparative analysis of the relationship between state authorities in the context of the principle of separation of powers is continued. In a number of places, Dr Stoyankova uses this approach, albeit partially. Such systematic comparative analysis would increase the theoretical value of the study.

In some parts of the work, historiography is not accompanied by a legal analysis. Although this is understandable about the subject matter of paper and the scientific field, it is necessary to carry out a legal and theoretical analysis of historiography. This would overcome the overview character of some part of the exposition (pp. 14-17; p. 143-150; p. 253-257). Of course, this is also a question of the author's style. The recommendations and critical remarks do not in any way affect Dr Stoyankova's significant scientific contributions. Rather, they are suggestions for future scientific developments for the author.

#### **5. Conclusion**

On the basis of the above, I formulate a POSITIVE ASSESSMENT on the professional qualifications, qualities and scientific results of the candidate in the procedure. Dr Stoyankova's monographic paper contains a number of scientific contributions and practically applicable results in the field of history of state and law. The scientific achievements of the applicant are in line with the requirements of the Promotion of Academic Staff in Republic of Bulgaria Act, the Rules for the Implementation of the Act and the Rules on the Promotion of Academic Staff of Plovdiv University.

In view of the above, I propose to the Scientific jury to come together around a decision to propose to the Council of the Faculty of Law of Plovdiv University "Paisii Hilendarski" to elect Dr DESISLAVA VASILEVA STOYAKOVA for the ACADEMIC POSITION OF "ASSOCIATE PROFESSOR" IN: HIGHER EDUCATION AREA 3. SOCIAL, ECONOMICAL AND LEGAL SCIENCES, PROFESSIONAL DIRECTION 3.6 LAW (HISTORY OF STATE AND LAW).

Peer-reviewed:

Prof. Dr. Boyka Cherneva

29 July 2025