

OPINION

by Assoc. Prof. Teodora Vasileva Yovcheva, PhD,

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member of the scientific jury according to Order No. RD-22-1349 of 11.06.2025

of the Rector of Plovdiv University "Paisii Hilendarski"

Regarding: the materials submitted in a competition for the academic position of "Associate Professor" at Plovdiv University "Paisii Hilendarski" in: field of higher education 3. Social, economic and legal sciences, professional field: 3.6. Law (History of the State and Law).

The competition for the academic position of "Associate Professor" in the Department of Law 3.6. Law (History of State and Law) is held in accordance with the requirements of the Act on the Development of Academic Staff in the Republic of Bulgaria (ADSRB), the Regulations for the Implementation of the ADSRB and the Regulations for the Development of Academic Staff of the "PAISII HILENDARSKY" University. The only candidate in the announced competition is Chief Asst. Prof. Desislava Vasileva Stoyankova, who submitted the necessary documents on time and in full. They reflect in a correct and comparable manner the main scientific achievements and data on the complex professional activity of the participant in the competition.

Candidate details

Desislava Stoyankova graduated from the "Bulgarian language and history" major in 2002 at the "Paisii Hilendarski" University of Plovdiv, and in 2004 she also obtained master`s degree in Law in the same university. In March 2007, she was registered as a lawyer in the Plovdiv Bar Association, as she is to date. After passing through the position of "assistant" for the period from 2010 to 2017, from 2017 to the present, Desislava Stoyankova also assumes the functions of "legal consultant" at PU "Paisii Hilendarski". Since 2020, she has been appointed to the position of "senior assistant" at the Department of "Theory and History of Law" at the Faculty of Law. The candidate speaks Russian and English. She is involved in a number of administrative activities and participates as an academic mentor on projects. In the periods covered, she led lectures and exercises in disciplines corresponding to the scientific field of the realized publications and the announced competition for "associate professor" - "History of the State and Law" (previously "History of the Bulgarian State and Law"). Courses in the

disciplines "Church Law", "Legal Regime of Religions", "Fundamentals of Law", "Legal Cases" and "Introduction to Administrative Law" are added to the candidate's experience, which are annotations for interdisciplinary training.

The candidate's professional development takes place in a sustainable relationship with the university and high level of preparation.

For assessment in the competition procedure, Chief Assistant Professor Desislava Stoyankova, PhD submitted a monographic work on the topic "State bodies in the Bulgarian constitutions - National Assembly, Council of Ministers, Head of state - 1879-1991. Legal and historical analysis" (Stoyankova, D. State bodies in the Bulgarian constitutions - National Assembly, Council of Ministers, Head of state-1879-1991. Legal-historical analysis, Plovdiv, Paisii Hilendarski University Publishing House, 2025), a book published on the basis of a defended dissertation on the topic "Nineteenth-Century Razlog Legal Monument" (Stoyankova, D. Nineteenth-Century Razlog Legal Monument, Paisii Hilendarski Publishing House, 2024), the article "The National Assembly in the Bulgarian Constitutions" (Stoyankova, D. The National Assembly in the Bulgarian Constitutions. – In: Collection "30 Years of the Faculty of Law of the UNWE – Successor of a Centuries-Old Tradition in the Development of Legal Science and Practice", S., Publishing Complex – UNWE, 2022, pp. 108-125), the article "On the Obligations and Contracts Act 1892." (Stoyankova, D. On the Obligations and Contracts Act 1892 - In: Collection "70 Years of Obligations and Contracts Act", Plovdiv, Paisii Hilendarski University Publishing House, 2022, p. 54-66) and the article "Social and political factors in the adoption of the Constitution of the Republic of Bulgaria" (Stoyankova, D. Social and political factors in the adoption of the Constitution of the Republic of Bulgaria. – In: *Stydia Iuris Journal*, issue 2, 2021, pp. 90-98)

Evaluation of submitted scientific papers

The monograph, on the topic: "State Bodies in the Bulgarian Constitutions - National Assembly, Council of Ministers, Head of State - 1879 - 1991. Legal and Historical Analysis", is presented as a habilitation thesis and is 426 pages long. The work is well structured and includes a preface, five separate chapters, a conclusion, cited literature in Cyrillic and Latin, and other sources.

The preface is formulated as a general annotation by the author on the relevance of the study. It outlines the significance of the historical period under consideration. It is presented from the perspective of the political trends and constitutional changes that marked the

development of the constitutional regimes studied. The value of the analytical extraction of successful models in the development of state bodies, its systematic presentation and the review of the evolutionary processes in their formation is indicated.

Chapter one is developed as a historical introduction, which places the analyzed events and documents in the context of the historical prerequisites that accompany and condition them. Against the background of the above-mentioned highlights, the Constituent Assembly of 1879, the Tarnovo Constitution and its amendments, 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 are examined. An analysis of the political, institutional and specifically legal implications of these fundamental legal acts is included. The author comments on the political and social realities of the historical moment, their varying trends, as well as the role of diplomacy in the formation of the first Bulgarian constitution. Findings have been made about the influence of a number of factors that remain uncovered within the framework of international requirements and, despite their formal compliance, prove to be a sign of the complications of state building, caused by limited sovereignty and international guardianship. Detailed attention is paid to the analysis relating to the three main state bodies, which represents the leading line of work.

Chapter two is dedicated to the National Assembly, focusing on the initial ideas related to the existence of the parliamentary institution, their emergence and reformulation in the course of discussing and adopting the constitution. The emphasis is on S. I. Lukiyanov's draft for an Organic Statute. The transformations are discussed in parallel with the evolution and adaptations of parliamentarism to different political regimes. The constitutional periods are set as the basis for a comparative analysis between the powers of the Ordinary and the Grand National Assembly. The political impacts directed towards the final texts of the constitutional provisions are traced.

Chapter three concerns the Council of Ministers and traces the evolution of concepts of executive power that led to the modern understanding of cabinet and the separation of powers.

Chapter four analyzes the institution of the head of state. The focus is oriented to the intensity and polarized character of its transformations during the historical periods under consideration. The transition from the monarchical model of the Tarnovo Constitution to the modern appearance of the presidential institution is reflected.

Chapter five offers a comprehensive view of the construction of the Bulgarian constitutional system, of the factors and institutions that define its essence and determine the nature of the Bulgarian statehood.

The book "Nineteenth-Century Razlog Legal Monument", published on the basis of a defended dissertation, is dedicated to the study of the nineteenth-century manuscript of the same name. It is considered a late compilation of the mixed-content compendium called the Nomocanon. Its two-aspect function as a normative source - theological and legal - was established. A first-of-its-kind, adapted translation of the manuscript into modern Bulgarian has been proposed as an appendix to the work.

The article "The National Assembly in Bulgarian Constitutions" focuses on a systematic summary of the legal evolution that characterizes the National Assembly as a supreme legislative and representative body.

The article "On the Obligations and Contracts Act 1892" reveals the arguments of the legislative concept which is the basis of the said law and its role in the formation of the Bulgarian private law tradition. Its structure and fundamental significance as the first codification act in post-liberation Bulgaria, which encompasses and systematizes the regulation of contractual relations, are examined.

The article "Social and political factors in the adoption of the Constitution of the Republic of Bulgaria " points out and analyzes defining moments of the historical context in which the process of creating the Constitution takes place. The activities of the Seventh Grand National Assembly are discussed in light of its legal nuances and democratic dialogue.

Scientific results and contributions

The content and complex characteristics of the presented publications allow expressing agreement with the scientific contributions indicated by Dr. Stoyankova. This applies to the greatest extent to the monograph, and I consider it necessary to emphasize the following merits of the work.

The study is focused on a more than 100-year period, saturated with dramatic changes and spanning four constitutional regimes. The author used an interdisciplinary approach to trace the evolution of the main state bodies in Bulgarian constitutions from the Liberation to the current Bulgarian constitution. On this basis, successful and valuable models have been revealed, as well as problem areas that emerge when taking into account the specific historical conditions.

Despite the available literature concerning the relevant historical eras and the state bodies examined, tracing the historical path of each of them, within the framework of a comprehensive monographic study, justifies the relevance of the work and the interest in it on the part of specialists with a scientific orientation in the field of the history of Bulgarian constitutionalism.

The analysis of the three state bodies is structured on an institutional principle. This allows to trace the specific trends in the development of each institution, considered in the context of the different constitutional periods that are the subject of comparative analysis. Along with literary sources, the research tools include stenographic diaries of the National Assembly, publications in the State Gazette, protocols and documents from the National Round Table (1990), archival sources.

The analysis of the Constituent Assembly of 1879 reveals the complex process of building the new Bulgarian state under the conditions of the Treaty of Berlin, the contradictions between the Great Powers, external tutelage, and limited sovereignty. Its legitimacy has been questioned due to the strong interference of the Russian administration in the electoral process, the lack of real democratic elections, the absence of measures to protect minorities and the refusal of the assembly itself to verify the mandates of its members - p. 12.

Based on existing literary sources, a critical attitude towards the Tarnovo Constitution is expressed. This makes a positive impression against the backdrop of the opinion in the recent past that it was one of the most democratic constitutions in Europe for its time. Doubts have been expressed about the long-term sustainability of this act based on the belief that it is not enough for a state to have a formally well-constructed constitution; it is also necessary for her to be applicable in practice and capable of functioning effectively in the specific historical, political and social environment. This is precisely what explains why in the following decades the debate about its adequacy remains alive and relevant - p. 71.

A positive side of the habilitation work, and at the same time a contribution to the history and theory of constitutionalism, is the author's effort to place the analysis of the Bulgarian state bodies and institutions in the context of the constitutional practice existing during the relevant period in the developed European parliamentary democracies - for example, the comparison of England and Germany on pages 75-76.

The tone of the narrative is calm and objective, without ideological insinuations. An example of this is the text dedicated to the draft constitution, prepared on behalf of the National Committee of the Fatherland Front and published on October 4, 1946.

The respective constitutional projects, the competition and the clash of ideas are revealed and analyzed in detail. The same applies to the work of the Round Table. The process of drafting the constitutional texts is placed in the context of the specific internal political and foreign political situation.

Along with the indicated merits and scientific contributions, the monograph has undoubted practical applicability - It is also suitable to serve as a textbook or teaching aid for students studying History of State and Law, Constitutional Law, Administrative Law, General Doctrine of the State, and represents interesting read for anyone to whom the topic of the historical evolution of Bulgarian state bodies is not foreign.

Some recommendations can be made for the future research activity of Dr. Desislava Stoyankova. It is desirable to use archival sources to a greater extent, which are generally the basis of any historical research, including the historical-legal one. The habilitation thesis could emphasize the programmatic nature of the 1971 constitution, known at the time as the "constitution of the developed socialist society." In the same work, on page 23 regarding the project for the so-called Dimitrov Constitution, the author claims that "Al. Stamboliyski, for example, insists that the real change requires a transformation not only in the form, but also in the content of government". The mentioned sounds paradoxical, since Al. Stamboliyski is no longer alive at that time. It can be assumed that this is a technical error and that the statement refers to the relevant wing of the BZNS bearing the name of the former leader of the Union.

The recommendations made do not change my positive assessment of the scientific works and academic profile of Dr. Desislava Stoyankova.

Conclusion

The scientific research and teaching work of Dr. Desislava Vasileva Stoyankova meets all the requirements of the Act on the Development of the Academic Staff in the Republic of Bulgaria and its Implementing Regulations, relating to the occupation of the academic position of "Associate Professor". Her scientific works are dedicated to significant problems in the scientific field of the competition and contain scientific contributions. This gives me a reason to formulate a positive assessment and recommend to the respected members of the scientific jury to vote positively for the election of Desislava Vasileva Stoyankova for the occupation of the academic position of Associate Professor in the field of higher education 3. Social, economic and legal sciences, professional direction: 3.6 Law (History of State and Law).

11.08.2025 г.

Assoc. Prof. Dr. Teodora Yovcheva