

## OPINION

**From:** Prof. Dr. Veselina Kanatova – Buchkova

Institute for the State and Law at the Bulgarian Academy of Sciences

Section "Public Law Sciences"

Administrative Law and Administrative Procedure

**Regarding:** competition for the academic position of "Professor" in Constitutional Law in the scientific field 3.6 Law at Plovdiv University "Paisii Hilendarski"

**Basis for presenting the opinion:** participation in the scientific jury for the competition for the academic position of "Professor" in the professional field 3.6 Law (Constitutional Law) at Plovdiv University "Paisii Hilendarski" in accordance with Order No. RD-22-43/09.01.2026 of the Rector of Plovdiv University "Paisii Hilendarski", Plovdiv

Only one candidate is participating in the competition – Assoc. Prof. Dr. Hristo Yordanov Paunov, with a habilitation thesis on the topic "Representative Democracy and Digitalization," as well as thirteen scientific publications in the field of public law.

### **I. Information about the candidate.**

The candidate was born in 1973. He graduated in law from Plovdiv University "Paisii Hilendarski" and since his graduation, he has been a lecturer at the Faculty of Law of PU in the main discipline – Constitutional Law, as well as the disciplines – Parliamentary Law, Norm-making, Electoral Law, Medical Law, Constitutional Foundations of Public Administration, Constitutional Foundations of International Relations and Higher State Administration, Ombudsman, Citizens' Proposals and Signals, The Ombudsman in a United Europe, Fundamentals of Law and Legal Regulation of Business.

Hristo Paunov is an Associate Professor of Constitutional Law and has been a Doctor of Law since 2013 at the Institute for the State and Law at the Bulgarian Academy of Sciences with a dissertation topic "Revision of the Constitution of the Republic of Bulgaria – Substantive and Procedural Aspects." He has numerous publications in the field of constitutional law.

In addition to his teaching activities, Hristo Paunov is socially engaged as the ombudsman of Plovdiv University (since October 2020), and since 1993 as a volunteer for the Bulgarian Red Cross. From 2019 to 2020, he was the scientific secretary of the Faculty of Law at PU and the vice-dean of the faculty (2017–2019). He is the head of the master's program "Public Administration" at the Faculty of Law of PU and was a member of the editorial board of the legal journal "Studia Iuris" of the Faculty of Law (2014–2020).

## **II. General characteristics of the presented work.**

Assoc. Prof. Dr. Hristo Paunov participates in the competition with a main monographic work on the topic "Representative Democracy and Digitalization."

The issue raised in the research is particularly relevant in view of the efforts to adapt legal science and practice to the social processes related to digitalization and e-government. Significant changes were made in the public sphere to introduce electronic services as a principle in state governance. The amendments to the Administrative Procedure Code introduced an obligation to create electronic administrative files, gave precedence to the electronic delivery of messages in proceedings, as well as the submission of applications to administrative bodies electronically. In the process of adopting normative administrative acts, as the author also points out, publicly accessible electronic systems were introduced in which draft normative acts are published, and so on. The method used by the author to study the issue from the point of view of each of the constitutionally established authorities gives the research a comprehensive contribution in both theoretical and practical terms. In this regard, the research is not limited to individual aspects of e-government but traces "digitalization" in each of the spheres of state administration – the so-called by the author "digital parliamentarism," e-government, and e-justice.

The presented work has a total volume of 255 pages, is structured in three parts of eight chapters, along with a list of used literature with more than 60 titles by Bulgarian and foreign authors.

In the first part of the monograph, "Theoretical Foundations and Conceptual Framework," the first chapter analyzes representative democracy as a fundamental element of the modern constitutional order.

The concept of electronic democracy is explored, which encompasses various forms of using information and communication technologies to enhance democratic participation and improve democratic processes. The author points out that the increased role of social networks and the spread of disinformation and fake news are serious challenges to the democratic process in the digital age and can undermine informed citizen participation, which is the foundation of representative democracy. Possible responses to these challenges include the regulation of social networks and content-sharing platforms, which would involve requirements for transparency in political advertising, measures against the spread of disinformation, and the creation of secure, transparent, and accessible platforms for all citizens. The second chapter of the first part defines the term "digitalization" from various aspects of the concept, viewing digitalization as a complex phenomenon that simultaneously encompasses technological, social, economic, and legal dimensions. It is noted that in a constitutional aspect, digitalization affects fundamental rights and freedoms, such as freedom of expression, the right to privacy, the right to information, etc., on the one hand, and on the other, it influences the traditional system of separation of powers by changing the way they function. The concept of "digital constitutionalism" is introduced, which examines the application and development of constitutional principles and rights in the digital environment and is related to the protection of fundamental rights in the digital sphere, the limitation of public power, and the democratic governance of digital technologies. It is pointed out that in response to the challenges posed by digitalization, new concepts of "digital rights" are emerging, such as the right to internet access, the right to digital self-determination, and the right to digital privacy, the recognition and protection of which is a challenge for constitutional law. The research in this part has a contributory character in terms of substantiating the existence of "digital rights" as independent rights, deriving from classical rights but having acquired a new essence and content in the digital environment.

The second part of the monograph examines digitalization in the individual spheres of governance, namely the digitalization of the electoral process, parliamentary activity, as well as the executive and judicial branches. The conceptual foundations of electronic voting are explored, which is divided into several main categories based on technological solutions and the degree of digitalization, namely – voting through direct data recording systems, voting through optical scanning and recognition, and internet voting.

The normative basis for remote electronic voting, before its repeal in 2022, is examined in detail, noting that the created system for remote electronic voting provided for numerous mechanisms to ensure transparency and the possibility of monitoring, on the one hand, and on the other, contained detailed technical requirements for the system that reflected good international practices in the field. It is pointed out that the introduction of electronic voting, in the context of digitalization, should not create barriers to participation for certain groups of citizens who may have limited access to technology or lower levels of digital literacy. In addition, it must guarantee the secrecy of the vote as one of the fundamental characteristics of the right to vote, which requires a detailed legislative framework that can ensure the possibility of establishing the link between the voter and their vote. The digitalization of the executive branch, mainly related to e-government, is examined in chapter five at the legislative level, given that the Constitution of the Republic of Bulgaria does not contain "explicit provisions regarding digital technologies and e-government, which is natural given the historical context of its adoption." I share the opinion that the concept of an "electronic administrative service" does not depend on the specific technology through which it is provided; it is sufficient that the exchange of data is carried out by electronic means. A contributory aspect of the research in this part is both the identification of obstacles to the effective digitalization of the administration and the court, but also the specific recommendations made to improve the interaction between state bodies and guarantee the rights of citizens. The proposals for the adoption of a Law on Artificial Intelligence in Public Administration and the updating of the Law on Electronic Government, as well as the proposals for institutional reforms through the creation of regional centers for digital transformation, also have a contributory character for accelerating the digitalization of the executive branch.

The third part of the work examines the constitutional challenges and perspectives from the point of view of digital rights, freedoms, and obligations, qualified by the author as "digital expression and freedom of speech" and "digital self-determination and identity" and their manifestations. This chapter as a whole has a contributory character in terms of substantiating the existence of the "new digital" rights, related to freedom of expression online and digital privacy, and their constitutionalization through the proposals for additions to Chapter Two of the Constitution of the Republic of Bulgaria.

I share the conclusion that Bulgarian legislation does not have a comprehensive approach to regulating the activities of digital platforms in the context of freedom of expression, but is rather focused on the technical aspects of providing electronic services, without addressing the issues of content moderation and the protection of users' rights. Chapter eight of the research has a contributory character, which examines the issues of the so-called "digital forms of citizen participation," related to the mechanisms and instruments through which citizens exercise their constitutional rights to participate in socio-political life and in the work of representative institutions through the use of digital technologies. The question is raised whether the electronic forms of submitting petitions by citizens are covered by the constitutional guarantee under Art. 45 of the Constitution of the Republic of Bulgaria and the problems of electronic submission of petitions are outlined. The issue of the so-called "crowdsourcing" in the legislative process (an entirely new concept) is explored, representing an innovative form of citizen participation, which uses the so-called "collective intelligence" and the knowledge of the general public to improve the quality of legislation. It is pointed out that crowdsourcing allows the participation of citizens in the legislative process without specialized knowledge in a given field, which can lead to more democratic and active participation, on the one hand, but on the other hand, poses challenges for ensuring the quality and competence of the proposals.

**In conclusion**, a positive conclusion can undoubtedly be drawn about the scientific and teaching contribution of Assoc. Prof. Dr. Hristo Paunov to legal science, and in view of the fact that all the requirements of the Law on the Development of the Academic Staff in the Republic of Bulgaria are met, I confidently propose to the scientific jury that Assoc. Prof. Dr. Hristo Paunov be appointed to the academic position of "Professor" in Constitutional Law in the field of higher education 3.6 "Law" at the Faculty of Law of Plovdiv University "Paisii Hilendarski".

Signature: .....  
(Prof. Dr. Veselina Kanatova – Buchkova)