

## OPINION

by Juliana Mladenova Mateeva, PhD, holding the academic position of Associate Professor at Varna Free University "Chernorizets Hrabar", regarding the dissertation on "Criminal Law Regime of the Juveniles", developed by Krasimira Ipokratova Ipokratova, extramural PhD student, Field of higher education 3. Social, economic and legal sciences, Professional direction 3.6 Law, the Doctoral Program "Criminal Law" at the Department of Criminal Law at the Faculty of Law of Plovdiv University "Paisii Hilendarski".

By Order No. RD-21-1972 of the Rector of Plovdiv University "Paisii Hilendarski" I have been appointed as an external member of the scientific jury in connection with an open procedure for the defense of a dissertation on the topic "Criminal Law Regime of the Juveniles", developed by Krasimira Ipokratova Ipokratova. I am issuing this opinion in pursuance of that order.

The general impression of the dissertation work is good. The dissertation is interdisciplinary, between substantive and procedure criminal law. It makes several proposals de lege ferenda, mainly related to the possibilities of restorative justice. In addition, the thesis contains a number of other contributions, correctly referred by the author in the summary.

First of all, it should be highlighted, the contributory character of the comprehensive historical overview, in which the different treatment of children is examined in detail and in depth. The comparisons between penalties and educational measures, between crime and delinquency, are important and interesting. The proposed classifications of educational measures are also useful. The analysis of the different decisions of the legislator regarding the control over the implementation of educational measures should be pointed out. It is a very good suggestion to provide for the power of the District court, if it finds substantive violations of procedural rules, to set aside the judgment of the Regional court and remand the lawsuit for a

new judicial review. I also liked the analogy between the Children's pedagogical rooms inspectors and the probation service in terms of monitoring the execution of some of the educational measures. Certainly, I would not unreservedly share all the suggestions *de lege ferenda*, but that cannot diminish them.

Some remarks should also be directed to the dissertation. There is a need for a complete revision of the text to correct the remains of old versions, unfinished sentences (p. 170, p. 256), missing words, etc. It would be good to standardize the approach and not use degrees and titles (or ranks) when spelling authors, and to abbreviate their names correctly, not An. Girginov, e.g., as on p. 74. In several places the Law for Combating Juvenile Delinquency is referred to as repealed. In fact, only its name has been changed - to the Law for Combating the Antisocial Behavior of Minors and Juveniles, as the PhD candidate himself rightly notes elsewhere. When examining the issue of the differences in the control of the execution of educational measures, it is good not only to state the deficiency, but also to suggest something that unifies the approach.

The introduction is actually part of the article on historical development and presents only the topic of the first chapter, not the dissertation as a whole. The latter goes far beyond a purely retrospective analysis. When publishing a thesis, it is well to have an introduction that really cover at all the issues considered later. Chapter three seems like a listing of international instruments on the subject and could find a place, as to intertwine into the text of the other chapters, if of course the PhD student and supervisor find this appropriate. This will also lead to a reduction in excessive volume of the work. The last part of the dissertation, instead of "*applications de lege ferenda*", would more appropriately be entitled "*proposals de lege ferenda*". In many places, the analysis seems to depletes by indicating the contradictory views in the doctrine. In order to avoid this reference-oriented approach, I would recommend that

the candidate for the degree of PhD should show more clearly whether she agrees with the opinions cited. She clearly has an opinion, but seems too timid in stating it.

From the text on p. 263, the reader may remain with the mistaken impression that juveniles serve their imprisonment under a special regime. In places, with slight differences, entire paragraphs are repeated (p. 167 and p. 264). On p. 266 - under Art. 61, the juvenile is not always diverted to a public service for the imposition of non-criminal measures; it is also possible for the court to impose an educational measure. In several places the statement is found that Art. 78a, para. 7 of the Criminal Code does not apply to juveniles. This was the case only in the April 2010 version of the text, after which the legislator promptly corrected this omission. In relation to the application of Article 78a of the Criminal Code to juveniles, completely valid the limitations of para. 7. It is correct that para. 6 says "if the prerequisites of art. 1 are present", but para. 7 categorically excludes the application of the institute to both adults and juveniles by specifying "para. 1-6 shall not apply if...", and lists the individual hypotheses (p. 85 et al.).

These remarks are insignificant compared to the contributions of the work. After serious technical editing, it would be good publish.

I have two questions to the PhD student. The first of these is on the interesting, but out of sight, situation concerning the consequences of failure to comply with educational measures, in case that the juvenile has in the meantime reached the age of minority.

The second question is: what requires a proposal to be made regarding the prerequisites under Art.78a, para. 1 of the Criminal Code, where there is a difference between the prerequisites for adults and for juveniles- for juveniles only "not to have been convicted" and not, as they are now, the same for both categories - "and not to have been discharged from criminal liability under this section"?

The author summary correctly refers the main points of the dissertation work. Three publications - articles - have been made on the topic of the dissertation. Moreover, the article "Historical Review of the Criminal Law regime of the juveniles" has both the character and the volume of studia. This guarantees the publication of the results of the scientific research and allows to draw a conclusion about the compliance of the scientific production of the PhD student with the minimum national requirements for the award of the educational and scientific degree "PhD".

I do not know the PhD candidate and cannot share personal impressions of her. I also have no publications in common with Krasimira Ipokratova.

The dissertation fully complies the requirements of Art. 3 of the Law for development of Academic staff of Republic of Bulgaria, contains scientific and relevant results representing an original contribution to science, and proves that the candidate possesses in-depth theoretical knowledge in the field of criminal law and the ability to develop independent scientific research.

However, the mentioned contributions of the dissertation work allow to give it a high evaluation. I propose to the honorable members of the scientific jury to take a decision for acquisition the educational and scientific degree "PhD" to Krasimira Ipokratova Ipokratova, extramural PhD student in the professional field 3.6. Law, Doctoral Program in Criminal Law at the Department of Criminal Sciences of the University of Plovdiv "Paisii Hilendarski" for her dissertation "Criminal Law Regime of the Juveniles".

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/Ass. Prof. Juliana Mateeva, PhD/