

# REVIEW

by **Assoc. Prof. Daniela Sevdalinova Doncheva, PhD, Faculty of Law, Plovdiv University “Paisii Hilendarski”;**

On dissertation work for the acquisition of the educational and scientific degree "PhD" in the field of higher education 3. Social, economic and legal sciences, professional field 3.6 Law, doctoral program "Criminal Law".

**Author:** *Krasimira Ipokratova Ipokratova*

**Subject:** “Criminal Law regime of the juveniles”

**Scientific supervisor:** *Assoc. Prof. Tervel Georgiev, PhD*

## 1. General description of the submitted materials

By Order No. RD-21-1972 of 13.11.2023 of the Rector of Plovdiv University "Paisii Hilendarski" (PU) I have been appointed as a member of the scientific jury for the procedure for the defense of a dissertation on the topic "Criminal Law Regime of the Juveniles" for the acquisition of the educational and scientific degree "PhD" in the field of higher education 3. Social, Economic and Legal Sciences, professional field 3.6 Law, doctoral program. The author of the dissertation is Krasimira Ipokratova – an extramural PhD student at the Department of Criminal Law, with scientific supervisor Assoc. Prof. Tervel Georgiev, PhD from the Faculty of Law of “Paisii Hilendarski” University of Plovdiv.

The set of paper materials submitted by the PhD student is in accordance with Art. 36, par. 1 of the Regulations for the Development of the Academic Staff of Plovdiv University, includes the following documents:

- Application in the form to the Rector of Plovdiv University for the disclosure of the dissertation defense procedure;
- CV in European format;
- minutes of the departmental council concerning the readiness for the opening of the procedure and with the preliminary discussion of the dissertation;
- dissertation;
- author summary;
- list of scientific publications on the subject of the dissertation;
- copies of the scientific publications;
- declaration of originality and authenticity of the attached documents;

The PhD candidate has attached 3 articles accepted for publication, for which she has presented one certificate and two official notes.

The submitted documents are correctly prepared and presented on time.

## **2. Brief biographical data about the PhD student**

The PhD candidate Krassimira Ipokratova Ipokratova graduated her secondary education in 1992 at the Humanities High School "D. Blagoev", city of Plovdiv. She graduated from New Bulgarian University with a Master's degree in Law and a qualification as a lawyer.

She has worked successively as: legal advisor in Plovdiv Municipality, chief legal advisor in the Directorate of Local Taxes and Fees of Plovdiv Municipality; legal advisor in the Directorate of Local Taxes and Fees of Plovdiv Municipality; candidate for junior prosecutor – National Institute of Justice, junior prosecutor - Shumen Regional Prosecutor's Office, investigative magistrate in the Investigation Department of Sofia City Prosecutor's Office.

He speaks English at a very good level and has the necessary computer skills.

## **3. Relevance of the subject matter and appropriateness of the set goals and objectives**

The topic of the criminal regime of juveniles has been extremely topical in recent years and often discussed in public. This was prompted by several serious crimes committed by juveniles against personality of other juveniles and minors. The focus of public attention on the severity of the tragedy in these particular cases has manipulatively direct the comments in the direction of abolishing the special regime of criminal responsibility for juvenile offenders.

Such opinions are populist and displace the focus on defining and solving other extremely important problems concerning juvenile offenders, which are not only legal problems, but rather social, educational, psychological, integration problems. It is a separate issue that legal problems are not solved only by increasing criminal repression of offenders.

The aim of the author of the dissertation is to examine the criminal regime of juveniles, outlining the problems and proposing a solution for them. In order to achieve the objective, the following tasks have been fulfilled: - examine of the significance of age and sanity for criminal responsibility in the historical perspective; tracking of historical development of the Bulgarian system of penalties for juveniles, the peculiarities of the procedure for imposing penalties on juveniles, the peculiarities of the criminal regime of juveniles according to: a/ the current national legislation; b/ the international legal acts of the Council of Europe and the United Nations; c/ the European legislation; There were made an analysis of the penalties and institutes applicable to juveniles and an analysis of the regime for imposing educational measures on juveniles; an analysis of restorative justice as an alternative to criminal justice; an analysis of the international acts of the Council of Europe, the United Nations and the European legislation related to restorative justice.

## **4. Knowledge of the problem**

The PhD student has worked on the topic thoroughly and conscientiously. She has analyzed the legal framework of the criminal regime of juveniles. There were examined all the normative acts - domestic and international, which are relevant for the analysis. The author shows knowledge of the publications on the subject. International acts on the topic of juveniles who have committed crimes are analyzed.

## **5. Research methodology**

In order to achieve the scientific aim and the tasks assigned in the dissertation, the following general scientific methods of cognition were used: description, comparison, the method of scientific analysis and synthesis, the inductive and deductive methods, as well as private methods of research: comparative-legal and logical-legal.

## **6. Characteristics and evaluation of the dissertation work**

The dissertation is 282 pages long and consists of an introduction, four chapters and a conclusion. Each of the chapters includes sections denoted by Roman numerals. There are 391 footnotes. The literature used is in Bulgarian by 98 authors and in English by 5 authors.

**Chapter One** provides a very detailed historical overview, which chronologically examines the origins and development of the juvenile criminal regime since the establishment of the Bulgarian state in 681 to the present. In conducting the historical review, the following periods in Bulgarian criminal law have been distinguished: the period of the first Bulgarian state, at which there were applied the Byzantine Eclogue, which for the first time mentions that the age of the offender is taken into account for certain types of offences, the Law on Judging the People and the Slavic Eclogue, which also have a minimum age condition for the offender of certain offences with a view to their criminal liability. The following periods were the Byzantine rule and the Second Bulgarian rule, when the legal compendium - the Syntagma of Matthew the Vastar appeared, containing texts on the distinction between voluntary (intentional) and involuntary (reckless) murders and a minimum age of criminal responsibility was established - 7 years. The Ottoman rule is indicated as the next period, during which the Ottoman Penal Law, the Bulgarian customary criminal law and the Law of Constantine Justinian were applied, all of them containing texts concerning the possibility of incurring criminal responsibility with regard to the age of the perpetrator. During the period of the Third Bulgarian State, various normative acts were adopted which are relevant on the criminal regime of juveniles, namely: the Statute on the punishments that justices of the peace may impose, the Criminal Law, the Juvenile Courts Act. The next historical period is from 1944-1989. During this period, the 1951 Criminal Law, the 1956 Criminal Code, the 1958 Juvenile Delinquency Act, renamed the Law for combating the antisocial behavior of juveniles and minors in 1961, the 1968 Criminal Code, and the last period is from 1989 to the present. During this period, the Criminal Code of 1968 was still in force and regulates the current criminal law regime for juveniles.

**Chapter Two** of the dissertation is devoted to the criminal regime of juveniles in view of the current national legislation. This chapter is also divided into sections dealing with different aspects of it - the conditions for criminal responsibility, release from criminal responsibility, types of penalties and their reduction, attention is paid to the changes in the Criminal Procedure Code of 2023 related to the regime of juveniles, measures under the Law for combating the antisocial acts of juveniles and minors are considered. I highly appreciate the given attention and the author's opinion on the existence of educational boarding schools and the opinion expressed on the establishment of mediation in cases of crimes committed by juveniles. Thus, the restorative justice

would be possible and the recommendations of international organizations in this regard would be implemented.

**Chapter Three** examines the criminal regime of juveniles under international instruments and European law. In the individual sections are analyzed: the United Nation minimum standards for juvenile justice; the Council of Europe international instruments relating to juveniles; the Convention for the Protection of Human Rights and Fundamental Freedoms; EU Charter of Fundamental Rights; Directive on the right of access to a lawyer in criminal proceedings (2013/48/EU); Directive on procedural safeguards for children suspected or accused in criminal proceedings (2016/800/EU).

In **Chapter Four**, the author researched "Restorative Justice" as a new approach to juvenile delinquency. Its origins and the shaping of its theory in criminal law doctrine is examined. The concept of restorative justice, according to different authors, is examined and defined. Further in the chapter, the international legal acts of the Council of Europe related to restorative justice are listed and examined, attention is drawn to the UN international acts on restorative justice, the EU legislative acts in this regard - the EU Council Framework Decision 2001/220/JHA, on the legal status of victims of crime in criminal proceedings, which recommends the use of mediation in criminal cases, setting the basis on which restorative justice is developed through mediation in EU Member States, and Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime. The Directive sets out important guidelines for the establishment and implementation of restorative justice through mediation. Basic principles and safeguards to be incorporated into national legal systems are set out. The author concludes with arguments "for" and "against" restorative justice.

The author's views are summarized in the proposals for future improvement of the legislation on some of the issues studied in the dissertation. The main conclusions and implications drawn in the course of the presentation are outlined. Suggestions de lege ferenda are made.

## **7. Contributions and significance of the work for science and practice**

The dissertation can be positively evaluated as it analyses the issues fully, indicates the theoretical and practical problems and indicating possibilities for their solution and overcoming.

The author very conscientiously examines the criminal regime of juveniles in historical and contemporary terms, correctly tracing the scientific discussion of the legal issues raised and stating his opinion. The text is in accordance with the latest developments in the law on the subject, and relevant international instruments are also referred to. I positively appreciate the argumentation of the thesis and the conclusions drawn in theoretical and practical aspects (p. 59, p. 72, p. 110, p. 128, p. 170). The reference to international instruments relevant to the regime of juveniles and the outlining of the direction of change of our legislation towards them is a contributing point in the study. Other points of contribution are the suggestions made de lege ferenda, with which I agree, but I think that for some of them the way in which the formulation is done is not appropriate, such as the suggestion for amendment by addition of Article 78a of the Criminal Code. I support the analysis of restorative justice as an alternative method to juvenile criminal proceedings.

## **8. Assessment of the publications on the dissertation**

The PhD candidate has three articles.1. "Historical overview of the Criminal Law regime of the Juveniles", accepted for publication in Plovdiv University, Faculty of Law, Scientific works, Law, vol. 5, 2023, Plovdiv University Press.

2. "International legal acts of the Council of Europe related to the restorative justice of juveniles", accepted for publication in Studia Juris, Journal of the Faculty of Law of the University of Plovdiv.

3. "Council of Europe International Law Acts Related to the Criminal Regime of Juveniles", accepted for publication in the Law Journal, electronic journal of the Department of Law, NBU.

## **9. Personal participation of the PhD student**

The submitted dissertation has been worked seriously and conscientiously. The existing literature on the topic has been studied and analyzed, scientific discussions of various authors on the problems raised have been presented, the author's opinion on them has been reasonably expressed.

## **10. Author summary**

The author summary meets the requirements and correctly reflects the content of the dissertation.

## **11. Critical remarks and recommendations**

My critical remarks to the presented dissertation mainly concern the unprecise terminological language. I believe that, although correct in principle, the de lege ferenda proposals need to be well thought out and formulated, otherwise other problems will be arise.

## **12. Personal impressions**

My impressions of Krassimira Ipokratova Ipokratova are excellent. She is a good professional, responsible and conscientious person. She worked very systematically and purposefully on her dissertation, showing diligence and motivation.

## **CONCLUSION**

The dissertation contains scientific, scientific-application and application results that represent an original contribution to science and meet all the requirements of the Law for the Development of Academic Staff in the Republic of Bulgaria , the Regulations for its Implementation and the relevant Regulations of the Paisii Hilendarski University.

The dissertation work shows that the PhD student Krasimira Ipokratova Ipokratova possesses in-depth theoretical knowledge and professional skills, demonstrates qualities and skills for independent scientific research.

Due to the above, I confidently give my positive evaluation for the reviewed dissertation, achieved results and contributions, and I propose the honorable scientific jury to award the educational and scientific degree "PhD" to Krasimira Ipokratova Ipokratova in the field of higher education 3. Social, economic and legal sciences, professional field 3.6 Law, doctoral program "Criminal Law".

25.01.2024

Reviewer.....  
/Assoc.prof. Daniela Doncheva, PhD/