

To  
Members of the Scientific Juri, established by  
Order № MA-21-1532 of 20.07.2023 of the  
Rector of the Plovdiv University “Paisiy  
Hilendarski (PU) on the defense of a dissertation  
work of regular PhD student Veronika  
Samuilova Doychinova from Department  
“Theory and History of Law” at the Faculty of  
Law (FL) to the PU

## OPINION

of Prof. DSc. Georgi Petrov Penchev  
Faculty of Law at the Plovdiv University “Paisiy Hilendarski”

concerning: presented for defense of a dissertation work of regular PhD student Veronika Samuilova Doychinova for obtaining of an educational and scientific degree “Doctor” in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law”, scientific specialty/doctoral programme “Theory of State and Law” on topic “Migration processes in the context of the theory of the legal system” with scientific supervisor Prof. PhD Boyka Cherneva

Dear Members of the Scientific Jury,

As a member of a scientific jury, established for assessment of a dissertation work, entitled “Migration processes in the context of the theory of the legal system” by regular PhD student Veronika Samuilova Doychinova from Department “Theory and History of Law” at the FL to the PU under Order № MA-21-1532 of 20.07.2023 of the Rector of the PU, I present you my opinion, prepared on the ground of Art. 10, par. 1 of the Development of the Academic Staff of the Republic of Bulgaria Act (DASRBA – State Gazette (SG), No. 38 of 2010, as amended), Art. 32, par. 1 of the Regulation for Implementation of the DARSBA, adopted by Decree of the Council of Ministers No. 202 of September 10, 2010 (RIDARSBA – SG, No. 75 of 2010, as amended) and Art. 38, par. 1 of the Regulation for Development of the Academic Staff of the Plovdiv University (RDASPU – In: Пловдивски университет „Паисий Хилендарски” [online]. [viewed 02.03.2023]. Available from: <https://uni-plovdiv.bg/uploads/site/pravilnici/PRASPU-10.06.2019.pdf>).

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

Veronika Doychinova finished her higher education initially in the Academy of the Ministry of Interior (MI) (bachelor, 2003-2007) and subsequently in the South West University “Neofit Rilski” (master, Law, 2006-2012). Since 2007, she has been working in the system of the MI and currently in the Regional Directorate “Border Police”-MI–Burgas. She was enrolled as a

regular PhD student in "Theory of the State and Law" at the FL to the PU in 2019, and on 01.08.2022 she was charged with the right of defense.

## **2. General description of the presented materials**

Presented by V. Doychinova set of materials in paper and electronic form is in conformity with Art. 36 of RDASPU. She has presented 5 articles on the topic of his dissertation work.

## **3. Actuality of the issues and expediency of the set goals and tasks**

The dissertation work of V. Doychinova is dedicated to significant in theoretical aspect and insufficiently researched up till now in our legal literature issue – migration processes in the context of the theory of the legal system. Its actuality, in my opinion, is determined by 2 circumstances. *On first place*, the increasing migration processes to the Member States of the European Union (EU), incl. Republic of Bulgaria. *On second place*, the necessity for effective implementation of the Bulgarian legislation on asylum and migration. In this regard, the PhD student has precisely and successfully, in my opinion, defined the main goals and tasks in the introduction of his dissertation work.

## **4. Knowledge of the issues of the dissertation work**

V. Doychinova has demonstrated a very good knowledge of the state of the issues he is considering. It should be emphasized the fact that he has used a large number of literary and normative sources, and this is an indicator of both a very good literary awareness and a broad general culture.

## **5. Research methodology in the dissertation work**

In the presented for assessment dissertation work "Migration processes in the context of the theory of the legal system" the comparative law and historical law methods of scientific research are mainly used. The chosen research methodology allows the achievement of the set goals and tasks of the dissertation work.

## **6. General characteristics and assessment of the dissertation work**

The dissertation work is 243 pages long and in structural meaning consists in: Introduction (pp. 5-14); three chapters, dedicated respectively to: the social effectiveness and validity of the legal system and migration (Chapter I, pp. 15-78); the migration as a social factor affecting the legal system (Chapter II, pp. 78-146); the protection of migrants' rights (Chapter III, pp. 146-228); conclusion (pp. 229-236); and bibliography (pp. 237-243), which includes in general 74 Cyrillic titles and in general factually 42 Latin titles, as well as 14 titles of judicial practice and 17 Internet sources.

The exposition in the dissertation is purposeful and meaningful. It is accompanied by separate comparisons and distinctions, justification of conclusions and analysis of definitions of notions.

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

The scientific contributions of the study are of the category of "enrichment of the existing knowledge" and are based not only on investigation

of the legal regulation and judicial practice in the investigated field, but also on the personal views of the author on their efficiency, accompanied by a number of own and original conclusions and considerations. The following specific scientific, scientific-applied and practical contributions in the dissertation work could be highlighted:

1) very good general characteristic of the influence of migration processes on the legal system (pp. 15-17);

2) successful historical-legal analysis of the views of some authors representatives of the legal positivism about the legal system and its relationship with the status of foreigners and migrants (pp. 19-39), combined with intermediate author's conclusions in this direction (pp. 27-29, 34-36);

3) very good analysis of the relationship between the structure and functions of the legal system and migration processes (pp. 40-61), combined with original author's opinions on: a) the legal system (pp. 48); b) the distinction between the terms "migrant" and "refugee" (p. 52); c) migration processes as a catalyst for the development of the legal system and as a factor influencing public relations (pp. 56-57); d) the integration of migrants into the society of the respective country (pp. 59-61);

4) successful analysis of migration processes in the context of the interaction between different legal systems (pp. 61-78);

5) very good historical-legal analysis of the impact of migration processes on the legal system (pp. 78-110), combined with: a) author's intermediate conclusions about: aa) the nature of migration processes in the Roman Empire (p. 82); bb) the importance of migration as one of the factors for the formation of the legal system (p. 86); b) original author's definition of the term "migration process" (p. 93); c) examination of the causes for migration processes (pp. 93-105), incl. environmental ones (p. 100-101);

6) successful analysis of migration law as a legal branch (pp. 110-146), accompanied by: a) an original author's opinion on the two levels of migration law: aa) as a sub-branch of public international law and EU law (pp. 112-113); bb) as a sub-branch of administrative law (pp. 113-114); b) author's interim conclusion on the non-independent nature of migration law as a branch of law (p. 114); c) author's definitions of the terms "migration" (p. 119), "types of migration" (pp. 121-123), legal status of foreigners (p. 123-125), "migrant" (pp. 126-127) and "types of migrants" (p. 134); d) distinction between the terms "migrant" and "refugee" (pp. 142-146);

7) very good analysis of the protection of migrants' rights under international, European and national law (respectively pp. 159-172, 172-182 and 182-191);

8) successful analysis of the individual rights and legal obligations of the migrants (pp. 191-228), combined with the identification of some theoretical and practical problems that make difficult the effective protection of the rights of the

migrants, such as: a) the lack of legal categorization of the types of foreigners and of a definition of the term "migrant" (pp. 208-211); b) the unlawful crossing of state borders and residence on the territory of EU Member States as a result of secondary migration (pp. 212-213); c) the unlawful crossing of state borders by land and by sea (pp. 213-221); d) the responsibility of the EU Member State for considering the application for protection and transfer of the migrant (pp. 221-223); e) violations in the procedure for implementing the measures for the expulsion of refugees (pp. 223-228);

9) in the conclusion (pp. 229-236) more general conclusions useful for theory and practice have been drawn from the considered legal framework and recommendations for its improvement, as well as general theoretical conclusions from the analyzed legal doctrine.

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

Veronika Doychinova has presented following publications related to the subject matter of his dissertation work: Legal problems of migration processes in Europe. – Studia Iuris [online]. Plovdiv, 2019, No. 2, pp. 118-131. [viewed 27.06.2023]. Available from: <https://studiaiuris.com/wp-content/uploads/2021/01/Studia-Iuris-2-2019-book-all.pdf> (in Bulg.); Illegal migrants in Europe - the new category of foreigners. – Society and law. Sofia, 2020, No. 2, pp. 4-14 (in Bulg.); The role of migration processes for the development of the legal system. - In: Collection of reports from the X national conference for doctoral students in the field of legal sciences. 2020. Sofia, BAS-IDP, 2021, pp. 158-170 (in Bulg.); Protection of the rights of migrants by sea entering Europe. - Ius Romanum [online]. Sofia, 2021, No. II, pp. 593-610. [viewed 28.06.2023]. Available from: [https://iusromanum.info/wp-content/uploads/2022/03/IUS-ROMANUM\\_2\\_2021\\_MARE-NOSTRUM.pdf](https://iusromanum.info/wp-content/uploads/2022/03/IUS-ROMANUM_2_2021_MARE-NOSTRUM.pdf) (in Bulg.); Practical problems in the regulation of migration processes. – Justice and Human Rights [online]. Sofia, 2023, No. 1, pp. 70-87. [viewed 27.06.2023]. Available from: <https://justicehr.com/wp-content/uploads/2023/04/Правосъдие-и-права-на-човека-брой-1.pdf> (in Bulg.).

These publications successfully reflect a number of analyses and opinions of the author, embedded in certain parts of his dissertation work.

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

The outstanding contributions in the dissertation work and obtained results are a personal merit of Veronika Doychinova. He correctly quoted in line the literature used, related to the opinions of individual authors – a circumstance that excludes the presence of plagiarism. This is an indicator of the author's scientific ethics, which undoubtedly deserves support.

### **10. Opinion on the Overview**

The Overview of the dissertation work of 33 pages long in Bulgarian and 27 pages long in English reflects on a very good level its content and achieved general results.

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

Some critical remarks and recommendations can be addressed to the dissertation work, mainly of editorial meaning.

### **11.1. Critical remarks**

1) On p. 2 of the table of contents, it is necessary to indicate the introduction and its corresponding page.

2) In the bibliography the way of describing of Cyrillic and Latin sources must be to standardized, especially of articles.

3) In the bibliography: a) on p. 238, №№ 24 and 25 – twice is quoted one and the same article of V. Evtushenko, and under № 27 there are quoted 2 titles instead of only one; b) on p. 240, №№ 65 and 66 - is quoted one and the same monograph of F. Hayek; c) on p. 241, № 10 – there are quoted 3 titles instead of only one, № 23 – there are quoted 2 titles instead of only one, and the quotation under № 27 must be specified.

### **7.2. Recommendations**

1) It is appropriate that each chapter and each paragraph to it should be on a new, separate page.

2) It is appropriate that on p. 13, note 5 below the line, the quotation should be, as follows: See Kiskinov, V. Op. cit., p. 279. A similar recommendation applies to the quotation on p. 37, footnotes 27 and 28 below the line and on p. 62, footnote 77 below the line. Furthermore, the words “Op. cit.” are superfluous on p. 119, footnote 139 below the line, on p. 150, footnote 192 below the line, on p. 151, footnote 194 below the line and on p. 154, footnote 199 below the line.

3) It is appropriate that on p. 76, lines 13-14 in addition to the regulations and directives to indicate also the decisions, recommendations and opinions as types of legal acts of the EU institutions under Art. 288, § 1 of the Treaty on the Functioning of the EU.

### **11.3. Assessment of the impact of the critical remarks and recommendations on the scientific meaning of the dissertation work**

The pointed out weaknesses, however, do not diminish the significance and usefulness for the theory and practice of the proposed for defense dissertation work. It is written clearly, understandably, logically and is read with interest. It fills a gap in our legal literature in investigated field. These critical notes and recommendations are intended only to help the author in case he decides to continue his creative efforts on this issue and to publish subsequently his dissertation work as a book.

## **12. Recommendations for future use of dissertational contributions and results**

Based on the abovementioned scientific and practical contributions of the dissertation work, I recommend V. Doychinova to publish it as a book (monograph). I consider that this book will be of interest to both scientists and practitioners.

## **Conclusion**

Finally, based on the above:

1. In conclusion I declare that the dissertation work “Migration processes in the context of the theory of the legal system” contains scientific and scientific-applied results, which represent an original contribution in science and meet the requirements of Art. 6, par. 3 of DASRBA, Art. 27, par. 2 of RIDASRBA and Art. 32 of RDASPU for obtaining of an educational and scientific degree “Doctor”. At the same time, this dissertation work shows that Veronika Samuilova Doychinova has in-depth theoretical knowledge and professional skills in the scientific specialty/doctoral programme “Theory of State and Law” by demonstrating qualities and skills for independent research. Therefore the PhD student meets the requirements of Art. 6, par. 1 of DASRBA, Articles 24-26 of RIDASRBA and Articles 29-31 of RDASPU.

2. In relation to the abovementioned, on the ground of Art. 10, par. 1 of DASRBA, Art. 32, par. 1 of RIDASRBA and Art. 38, par. 1 of RDASPU, I give a positive assessment of the conducted scientific research, presented by the peer-reviewed dissertation work, overview, achieved results and contributions.

3. I suggest to the esteemed Scientific Jury, established under Order № MA-21-1532 of 20.07.2023 of the Rector of the PU, on the ground of Art. 11, par. 4 of DASRBA, Art. 34, par. 1 of RIDASRBA and Art. 39, par. 3 of RDASPU, to award the educational and scientific degree “Doctor” to Veronika Samuilova Doychinova in area of higher education 3. “Social, Economic and Legal Sciences”, professional field 3.6. “Law”, scientific specialty/doctoral programme “Theory of State and Law”.

Sofia, 28.08.2023.

Expressed an opinion: (s)

(Prof. DSc. Georgi Penchev)