

RECENSE

by Prof. Tsvetan Georgiev Sivkov D.Sc., Professor at Sofia University
"Sv. Kliment Ohridski"

of a dissertation for the award of the educational and scientific degree **of Doctor**

in: area of higher education: 3. Social, economic and legal sciences,

professional field: 3.6. Right,

Doctoral programme: "Administrative law and administrative procedure"

Author: Tanya Vladimirova Daskalova

Subject: "Indirect review of the legality of administrative acts"

Scientific supervisor: Assoc. Prof. Konstantin Vassilev Pehlivanov, PhD

By Order No PD 22-811 of 2 April 2025 of the Rector of the University of Plovdiv, I was appointed as a member of the scientific jury for providing a procedure for the defence of a dissertation on the topic 'Indirect control of the legality of administrative acts' for obtaining the educational and scientific degree 'Doctor' in the area of higher education 3. Social, economic and legal sciences, professional field 3.6. Law, Doctoral Programme "Administrative Law and Administrative Procedure". The author of the dissertation is Tanya Vladimirova Daskalova, a full-time doctoral student at the Department of Public Law at the University of Plovdiv, with Assoc.

The documentation package presented by Ms. Tanya Daskalova is in accordance with Article 36 of the Rules for the Development of the Academic Staff of the University. The doctoral student has attached 3 publications to the documentation of the procedure.

The doctoral student Tanya Daskalova graduated in law from the University of Plovdiv. She then worked at the Regional Labour Inspectorate Directorate and is currently a lawyer at the Plovdiv Bar Association. She was a PhD student at the Law Faculty of Plovdiv University.

The topic is relevant for several reasons. First of all, there is no comprehensive detailed scientific study of indirect supervision of the legality of administrative acts

in civil, criminal, administrative and administrative criminal proceedings. There are some monographs and articles on this subject. In addition, judicial oversight of the administration has expanded enormously with the development of public relations in Bulgaria.

The specific regulation of this issue in the normative acts is extremely scarce. There are also several acts of the Constitutional Court that are relevant to this issue. Another important issue that affects the topicality is the right of access to a court, the right to a fair trial, the obligation of the court to rule, regardless of the existence or not of a rule of law. It is true that it is noted in the autoreferential that legal theory does not subject this question to in-depth examination.

The task that doctoral student Tanya Daskalova has set herself is accomplished and even overachieved. Few things can be said more about indirect supervision. In my opinion, it is comprehensively, logically arranged in a slender structure and with professional expertise, knowing in detail the theoretical developments and the case law so far, presenting its work to the attention of the professional community and the current jury. It is obvious that he has the necessary qualification, professional skill and skill for theoretical research.

The methodology adopted by Ms. Daskalova for presenting the study is correct, scientifically based and combines the methods known to us from philosophy and their combination with complex legal constructions. This allows her to carry out the tasks assigned to her during the examination of the work and by her scientific supervisor. The object of the study is the indirect review of the legality of administrative acts by the courts. There are several tasks assigned to Ms Daskalova: clarifying the nature of indirect judicial supervision, revealing its manifestation in Bulgarian justice and describing and comparing it with other legal systems. I accept that they are fulfilled.

The doctoral work consists of an introduction, three chapters, a conclusion, a list of cited literature and a number of judicial acts. When publishing, I would recommend aligning the content presented at the beginning – chapters, sections and their structural parts. In different chapters there is a different presentation of the structure, which makes it difficult to grasp the logic of the structure in its entirety and burdens reading.

The introduction presents the main issues that will be addressed in the body of work. In terms of content, the introduction and the autoreferate coincide. I disagree with the author here. The concepts of ‘control’ and ‘supervision’ cannot be regarded

as technical or insignificant. If that is permissible in everyday professional language, in case-law, then I find it wrong to do so also in a theoretical paper on administrative law. In this sense, Doncho Hrusanov is categorical and I agree with him. At least we, in our professional language, within the framework of administrative law theory, must insist on this terminological purity. Regardless of these remarks, I consider the introduction as meaningful, as a good basis for the development of the doctoral student's theses.

Chapter 1 examines the concept of indirect judicial review of the legality of administrative acts. Here is concentrated the theory, which is based on the formation of the concept and its differentiation in the system of the theory of control over administrative acts. Its legal nature is analyzed and a successful attempt is made for a generalizing definition as a specific judicial activity. I respectfully refer to the author's attempt to present for the needs of her research important concepts in administrative law such as administrative justice, administrative process in a narrow and broad sense. These concepts we take for granted, but to them Mrs. Daskalova because of the problem gives a specific sound and meaning, which I find valuable and appropriate. Particularly valuable to me is the discussion of the issue of indirect control within the administration. I find this to be a contributing moment, a special achievement in the field of administrative law theory. It would allow for good legislative solutions in improving legislation.

In Chapter 2 the author presents the indirect supervision in the Bulgarian judicial enforcement. Here are discussed the specific manifestations in the criminal, civil and administrative process. I am particularly impressed by the examination in the administrative and administrative penal process. A number of judges believe that there can be no indirect supervision in the administrative process. The author convincingly defends her thesis and this can be assessed positively. A wealth of jurisprudence has been analysed. The relationship with European law is important and well presented, which would help Bulgarian lawyers.

Chapter 3 deals with cases of indirect judicial supervision in other legal systems, including indirect challenges. To me, it was somewhat of a surprise, because I never dealt with this issue. In this sense, the study is valuable because it gives different legal models that can be a positive example.

There are a number of contributing points to the peer-reviewed work. First of all, I place the possibility of indirect judicial supervision of normative administrative

acts and their relationship with general and individual administrative acts that are issued on their basis.

Interesting is the thesis about indirect judicial supervision in the exercise by the administration of discretion and circumscribed competence. I am inclined to support the author's thesis that indirect supervision and operational autonomy are possible. For many people, this is hard to accept.

With the doctoral student's thesis that the motives of the sentence have res judicata, I agree, but I think there should be further development here with a proposal for an addition to the Criminal Procedure Code.

I have already noted that I pay very serious attention to indirect supervision in administrative control. This is a very good idea and it needs to be shared. Here, too, there may be developments, but it must be taken into account that the administrative act does not have the force of res judicata and one can think about opposing the legality of two or more administrative acts.

I find it a bit pretentious to propose amendments to the content of specific provisions. With this, I do not doubt the qualities and professional qualifications that are at a very high level. At the same time, changes in legislation are made with the work and efforts of many people, and this is a difficult process.

I have only identified those contributions that are particularly important to me. The text may also draw attention to other relevant and contributing points.

In their systematic combination, the contributing moments give reason to claim that the dissertation presented is of a high theoretical level and has an important practical importance. I appreciate it positively and express my admiration for Ms Daskalova's setting and achieving of the goals. It is a complete, comprehensive dissertation with an important place in the theory of administrative law.

The work is written in an understandable, accessible and easy-to-understand language. It can also be used by students and legal practitioners. It would not be bad to get acquainted with it and people who are directly related to the legislation in Bulgaria.

Three publications were also presented in Ms Daskalova's public defence documents. They are interesting and show the ability of the author to deal with theory. I read with the greatest interest the article on Article 128a of the Administrative Procedure Code. The other two works are also interesting, but this

one is particularly analytical and I find that it would be very useful to colleagues from practice. All three articles meet the requirements. They have a high value and I appreciate them positively.

For me, there is no doubt that the presented doctorate and the articles with which the doctoral student participates in the current procedure have important theoretical significance and are the result of her scientific searches.

The autoreferat, although overloaded with facts and technical data, meets the requirements of the law and the traditions in our field. It fully reflects the content and main points of the dissertation. It contains the contributions, ways and logical connections that Mrs. Daskalova makes. I appreciate him and I think he's doing his job.

Notes may also be made. They are rather technical and aim to assist the author in publishing the work as a monograph study. In some places in the text there are full titles of articles or monographs. It would be proper to be put in footnote.

The name of Professor Kandeveva should not be omitted when mentioning the scientists who have worked in this field.

It would be good the Supreme Administrative Court and the Supreme Court of Cassation to be referred in the text with abbreviations. The complete spelling leads to a general burdening of the text. In some places, perhaps necessarily, there is discussion of the same issues, but it probably depends on the matter.

Despite these notes, the dissertation is at a very high level. It meets the requirements of the law and regulations, the high criteria for the protection of doctoral work. It is an undoubted contribution to the theory of law. I am of the firm positive opinion that Ms Daskalova should be awarded the educational and scientific degree of Doctor. It possesses in-depth scientific and applied knowledge and demonstrates skills for independent scientific activity.

Due to the qualities of the dissertation presented in my review, I propose that the scientific jury to award Tanya Vladimirova Daskalova the educational and scientific degree "Doctor" in area of higher education 3. Economic, social and legal sciences, professional field 3.6. Law, doctoral programme 'Administrative Law and Administrative Process'.

I would like to express my respect to the scientific director Assoc. Prof. Pehlivanov for the success achieved by his doctoral student.

I am grateful to the management of the Law Faculty of the Plovdiv University for the invitation to participate in the jury. This is very important from a professional point of view.

08.05. 2025

Reviewer:.....

Prof. Tsvetan Sivkov, D.Sc.