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AUTHOR'S ABSTRACT OF THE DISSERTATION

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CONTENTS

I. GENERAL CHARACTERISTICS OF THE DISSERTATION

1. Relevance of the research

The relevance of the dissertation research is primarily determined by the lack of a comprehensive monographic study of the open dispositional hearing introduced in the 2017 CCP. There are studies and works on this topic, but they are more practical and more than seven years have passed since they were written. For this reason, analyzing the problems of the in camera hearing before the first instance in cases of a general nature is fundamental and imperative. The claim to relevance and its exploration by this dissertation can be assessed as one of its theoretical contributions. In the course of the research, controversial and controversial theoretical opinions and practical problems have been addressed, some of them supported, others rejected with the author's relevant argumentation and case law. The need for an independent and scientific study of this institute is also conditioned by the problems created in its practical application. There are difficulties and contradiction in the practical consideration of the injunction hearing. A substantial part of the case-law incorrectly ascertains the existence of the most important issue to be discussed at the adjournment hearing – whether an irremediable substantive procedural violation has been committed, which achieves the opposite effect of the purpose of the adjournment hearing – instead of speed, delays the hearing of the case and, consequently, violates the principle of hearing cases within a reasonable time. Despite the fact that the same has been the subject of research, the continuous changes in the Code of Criminal Procedure, the contradictory case-law and the different theoretical opinions, require a comprehensive view of the open interlocutory hearing. The study is timely and comprehensive. The long practical experience of the author of the present study on the application of the injunction hearing in cases of a general nature in the first instance also provides the possibility for the practical orientation of the conclusions and suggestions made for other scientific disputes.

2. Aim and objectives of the study

The objectives of the present study are to provide a comprehensive view of the open injunction hearing in cases of a general nature in the first instance and to give publicity to its importance not only from a theoretical point of view, but also in p The dissertation sets out various proposals for changes to the current legislation, supported by long-standing and established case law.

The aim of the thesis is a scientific study of the injunction hearing in the first instance in cases of a general nature. The detailed analysis of the cases in which the institute of the open dispositional hearing is originally inapplicable. Pointing out the gaps in the legislative regulation of the in camera hearing, for which numerous proposals for legislative amendments are given.

3. Object and subject of the research

The object of the dissertation work is the analysis of the open injunction hearing in the first instance in cases of general nature.

The object of the research is a comprehensive review of the injunction hearing and its peculiarities under the legal regulation formulated in this way. Its presentation in general theoretical and practical terms. A complete historical analysis of the dispositional hearing is made. The essence of the dispositional hearing from the theoretical point of view and the legal consequences in its practical application are examined. All the issues that are subject to preliminary hearing in the dispositional hearing under Article 248 of the Code of Criminal Procedure are discussed separately. Particular attention is paid to the main and most important issue to be discussed at the dispositional hearing – whether there were any irremediable substantive procedural irregularities in the pre-trial proceedings which violated the procedural rights of the accused, the victim or his heirs. The order in which the dispositional hearing of first instance is held in cases of a general nature is analysed. The Court of Appeal's control over the adjournment hearing is discussed. Cases in which the application of the interlocutory hearing is limited in the first instance are examined. Analyzed in the conduct of the differentiated procedures provided for in the Code of Criminal Procedure after the dispositional hearing.

The study is focused only on the mandatory dispositional hearing in cases of a general nature in which an indictment has been filed in court. The reason for this is that the specifics and essential problems of the case law and doctrine are precisely in the conduct of the open dispositional hearing in the court proceedings before the first instance in cases of a general nature.

In spite of the many changes in the legal regulation of the in camera hearing in the historical perspective, at the present time there is no comprehensive study of this first stage of the court proceedings at first instance.

4. Research Methods

To achieve the objectives of the dissertation, typical methods applicable in legal doctrine such as analysis, comparison, description, synthesis, generalization, inductive and deductive methods and the method of historical analysis were used. The methods of normative, linguistic, logical, systematic and comparative interpretation have been applied.

5. Beyond the subject of the research

The subject of the research focuses on the nature of the institute and the theoretical disputes and practical problems arising from its application. The reasons for this are as follows:

The specific grounds for hearing cases of a private nature in a court hearing, where an open dispositional hearing is not held, deserve an independent study.

The holding of an in camera deliberative session in other types of court proceedings – pre-trial detention measures and other measures of procedural coercion, control of investigative actions carried out by the pre-trial investigation authorities in the implementation of certain means of evidence collection, control of the return of material evidence, proceedings under Article 306(1) of the CCP, collection of oral evidence before the court, judicial review of the termination and suspension of criminal proceedings, proceedings before the appellate and cassation courts, proceedings before the

6. Practical significance of the study

The significance of the study is relevant for legislation, law enforcement and for initiating discussion. For legislation, a number of proposals for de lege ferenda statutory amendments have been made in order to overcome gaps and internal contradictions. For law enforcement, through the analysis and detailed discussion of the provisions of the injunction hearing, the aim is to improve jurisprudence. To initiate discussion, solutions to problems in legislative and legal doctrine are proposed, resulting in scholarly disputes and improving jurisprudence.

II. SCOPE AND STRUCTURE OF THE DISSERTATION

The dissertation is prepared in compliance with the regulatory requirements and is 167 pages long. It consists of a title page, a table of contents, an introduction, four chapters, a conclusion and a bibliography. Each chapter is divided into sections and paragraphs. For greater clarity, some of the sections have separate paragraphs. 191 footnotes are given. References used include 129 sources.

III. CONTENTS OF THE DISSERTATION

The introduction of the dissertation research clarifies the relevance and significance of the issues of the dispositional hearing at first instance in cases of a general nature. Arguments of the necessity of an independent study of the dispositional hearing are presented. The subject, aims and objectives of the dissertation research are stated. The orderly hearing as a procedural guarantee for the observance of the procedural rights of the accused, the victim or his heirs is considered.

CHAPTER ONE
Chapter One is devoted to the historical overview and the legal nature of the first instance hearing in cases of a general nature.

The first section provides a historical overview of the first instance dispositional hearing in cases of a general nature. The legislation of the injunction hearing under all the repealed procedural laws – the 1897 UCA, the 1952 CCP, the 1974 CCP, and the 2005 CCP in force – is examined. The nature and significance of the injunction hearing as a legal institution and an independent stage of the criminal process is discussed. The main differences in the repealed procedural laws are emphasized. The prosecutor's and the court hearing the case as a first instance's responsibility to check for remediable substantive procedural irregularities is detailed. The powers of the appellate and cassation instances to check for procedural irregularities committed in the pre-trial proceedings are discussed. It is pointed out that the first Bulgarian procedural law – the Law on Criminal Procedure – did not provide for the possibility of carrying out a review in the trial phase of cases of a general nature in the first instance, for remediable substantive procedural irregularities and returning the case to the preliminary proceedings phase. The right of the public prosecutor under Article 284 of the Law on Criminal Procedure to request additional information or to return the case for further investigation with binding instructions to carry out investigative actions is provided for. The power of the court referred to in the provision of Article 371 of the CJA to deem it necessary to suspend the hearing of the case for a short time in order to gather additional information, and once such information is gathered, the hearing shall continue after that action under which it was suspended, and the judges may request the resumption of certain actions or the conduct of the investigation from the outset. The second Bulgarian procedural law, the Code of Criminal Procedure of 1952, and the possibility provided therein for the public prosecutor to return the case for further investigation in case of incompleteness of the investigation or inquiry under Article 159 b. "B" of the 1952 Code of Criminal Procedure, as well as the obligation of the judge-rapporteur under Articles 162, 164 and 165 of the 1952 Code of Criminal Procedure to return the case to the prosecutor for further investigation with instructions for specific actions to be carried out. The possibility of discontinuing the proceedings and remanding the case to the public prosecutor is examined and the various grounds for doing so are set out. The more extensive possibilities provided for in the 1974 Code of Criminal Procedure for the court to return the case to the prosecutor at the different stages of the trial – in the preparatory actions for the trial at the hearing and at the hearing at first instance – are examined. The possibilities of returning the case to the prosecutor in the current CCP of 2005 in its original wording in the stages of preparatory actions for the trial of the case in a hearing and a trial hearing are discussed. The powers of the appellate and cassation instances in the event of irremovable substantive procedural violations are discussed.

The second point discusses the legal nature of the first instance pre-trial hearing in general cases. It is clarified that the pre-trial hearing was created with the aim of accelerating and speeding up the consideration of the case in the first instance, and a preclusion has been introduced against the multiple return of cases to the pre-trial phase of the process by each court instance. An answer has been given to the main goals and tasks of the introduced open pre-trial hearing in the first instance – to verify by the court in an open court session whether there was a remediable material violation of procedural rules committed in the pre-trial proceedings, which led to a restriction of the procedural rights of the accused, the victim or his heirs. The possibilities for considering the case in the pre-trial hearing, the order and manner of its conduct have been discussed. The issues that are discussed in the pre-trial hearing are indicated and the emphasis is placed on the main issue to be discussed. The possibility of control by the appellate instance over the conducted injunctive hearing is discussed. The possibilities for conducting differentiated procedures immediately after the injunctive hearing are indicated. An attempt is made to answer important practical questions that have created a problem in practice, by indicating established case law. It is indicated in which cases the scope of application of the injunctive hearing is initially limited, and it is clarified at what point the assessment is made for the presence of remediable essential procedural violations.

CHAPTER TWO

Chapter two discusses the issues that are discussed in the dispositive session of the first instance in cases of a general nature.

The issues that are discussed in the dispositive session of the first instance in cases of a general nature and the legal consequences that occur when applying it are examined separately and separately. Significant attention is paid to the fundamental issue discussed in the dispositive session – whether a recoverable material violation of the procedural rules was allowed in the pre-trial proceedings, which led to a restriction of the procedural rights of the accused, the victim or his heirs. The problems and the case law of the Bulgarian courts are analyzed and possible practical solutions are proposed.

In point one, the question of whether the case is within the jurisdiction of the court is examined. It is indicated that this examination covers the assessment of generic, local and functional jurisdiction. The general rules for the jurisdiction of criminal cases under Art. 35 et seq. of the Code of Criminal Procedure are applicable. The powers of the court panel in a dispositive session to discuss and observe the jurisdiction of the case are specified. The possible hypotheses in the event of generic or local non-jurisdiction of the case are discussed. The case law is examined when the case is considered by a court other than the generic or local competent court.

In point two, the grounds for termination or suspension of criminal proceedings in a dispositive session of first instance in cases of a general nature are examined. The various grounds for termination of criminal proceedings as contained in Art. 250 para. 1 item 1 and item 2 of the Code of Criminal Procedure are examined. The grounds for suspension of criminal proceedings by the court of first instance in a dispositive session as contained in Art. 251 para. 1 of the Code of Criminal Procedure are analyzed. The provision refers to some of the general grounds for suspension of criminal proceedings under Art. 25 para. 1 of the Code of Criminal Procedure. It is emphasized that first, in time, the check is carried out for the presence of grounds for terminating the criminal proceedings, and then a check is carried out for the presence of grounds for suspending the proceedings. The judicial act by which the criminal proceedings are terminated or suspended and the possibilities for control by the appellate instance are indicated.

In point three, the issues related to a remediable substantial violation of procedural rules committed in the pre-trial proceedings, which led to a restriction of the procedural rights of the accused, the victim or his heirs, are examined. The thesis is discussed that the final verification of a remediable substantial procedural violation is carried out in the dispositive hearing of the first instance. It is argued that the court of first instance, in its assessment in the dispositive hearing on the most important issue for discussion, is guided by the following:

- whether the established violation is substantial, i.e. whether it constitutes grounds for terminating the judicial proceedings and returning the case to the prosecutor in the pre-trial phase of the trial.
- whether the violation is remediable, i.e. whether, upon returning the case to the prosecutor, it is practically possible to eliminate this procedural violation, or whether returning the case is unnecessary and procedurally unfair due to the impossibility of eliminating the violation.
- whether the violation led to a restriction of the procedural rights of the accused, the victim or his heirs.

The thesis is advocated that a remediable essential procedural violation would also be a defect or flaw in the preparation of the indictment – the lack of a description of all the constituent elements from the objective and subjective side of the crime, the indictment does not correspond to the content specified in Art. 246 para. 2 of the Criminal Procedure Code or contradicts Interpretative Decision No. 2/2002 of the Supreme Court of Cassation.

The specific remediable procedural violations that led to a restriction of the procedural rights of the accused have been examined. Without claiming to be exhaustive, an attempt has been made to indicate the procedural violations specified in Art. 249 para. 4

item 1 of the Criminal Procedure Code – the accused to learn for what crime he is brought in this capacity; to give or refuse to give explanations on the accusation; to participate in the proceedings; to have a defense attorney and to receive a written or oral translation in a language understandable to him under Art. 55 para. 4 of the Code of Criminal Procedure, when he does not speak Bulgarian. The thesis is advocated that the procedural violation is essential only when it has violated the procedural rights of the accused and it is necessary to return the case to the prosecutor if the procedural violation cannot be eliminated in the judicial phase of the trial. The thesis is supported that in the event that the procedural violation can be successfully overcome in the central phase of the criminal trial and the defendant is compensated for its admission, it is not necessary to return the case to the previous stage of the dispositional hearing.

An attempt has been made to analyze the remediable procedural violations that have led to the limitation of the procedural rights of the victim or his heirs. The thesis is supported that the procedural rights of the victim or his heirs in criminal proceedings are fully developed in the judicial phase of the trial, in which the latter has the possibility to constitute himself as an accessory party – a civil plaintiff and a private prosecutor. It is argued that in the event of a violation of the procedural rights of the victim or his heirs in the pre-trial phase of the trial, in most of the hypotheses, this does not constitute a procedural violation of the essential nature that would require the case to be returned from a procedural hearing to the prosecutor. Considerations have been put forward that these procedural violations can be successfully remedied in the judicial phase of the trial, in which the victim or his heirs can fully exercise their procedural rights guaranteed by law. In this regard, the position is advocated that the provision of Art. 247d para. 3 of the Code of Civil Procedure is imprecise, as I believe that the victims should be sought through all procedural means in order to be regularly summoned and notified of the injunctive hearing, in order to guarantee their right to participate in the judicial proceedings. It is argued that it is incorrect to initiate the injunctive hearing from the first time, with reference to the provision of Art. 247d para. 3 of the Code of Civil Procedure.

In point four, the grounds for considering the case under the special rules are examined. The cases in which the court considers the case immediately after the injunctive hearing under Art. 252 para. 1 of the Code of Civil Procedure under one of the differentiated procedures are analyzed. The thesis is supported that the court has the opportunity ex officio, after the injunctive hearing, to order the holding of a preliminary hearing of the parties under the procedure of Chapter Twenty-Seven of the Code of Civil Procedure. The thesis is supported that if the parties express their will to continue the proceedings in the case under the order of the summary court investigation, but without an explicit request for immediate consideration of the case, the court should schedule the case to be considered within one month of the dispositive hearing. Cases have been considered in which the court has refused to constitute accessory parties in the court proceedings, and it is maintained that the court's refusal should be stabilized and then the case should be considered.

The thesis is supported that if the prerequisites for considering the case under the order of Chapter Twenty-Eight of the Code of Criminal Procedure, in a dispositive hearing, the court should schedule the case within one month of the dispositive hearing. This is so in order to guarantee the possibility for the participants in the criminal process to make a request for their constitution as accessory parties.

The opinion is that for the case to be considered under Chapter Twenty-Nine of the Code of Criminal Procedure immediately after the pre-trial hearing, the consent of all parties constituted in the pre-trial hearing is necessary.

Point five examines the cases in which it is necessary to consider the case in camera, to involve a reserve judge or juror, to appoint a defense attorney, expert, translator or interpreter and to carry out judicial investigative actions by delegation. The thesis is that the judge-rapporteur, when scheduling the pre-trial hearing, may, and in some cases is necessary, order the case to be considered in camera from the beginning of the pre-trial hearing. It is maintained that the reserve judge or juror, given the argument that the principle of immutability of the court composition is applicable from the beginning of the pre-trial hearing, should be present during the consideration of the case from the pre-trial hearing. Cases in which it is necessary to appoint a defense attorney, expert, translator or interpreter are examined. It is argued that investigative actions by delegation de lege ferenda should be excluded from the dispositive hearing, through a legislative amendment to the said provision.

In point six, the issue of discussing the measures of procedural coercion taken in the pre-trial proceedings is analyzed. Arguments are presented that the court hearing the case as the first instance in a dispositive hearing should assess the need to amend the measures of procedural coercion taken in the pre-trial proceedings.

In point seven, the possibilities in a dispositive hearing for discussing requests for the collection of evidence are discussed. It is maintained that the court hearing the case as the first instance in a dispositive hearing has the authority to allow and order the collection of specific evidence.

In point eight of the statement, the procedural possibilities for scheduling the court hearing and the persons who should be summoned to it are discussed. It is indicated that the order in which the proceedings in the case will proceed is relevant to the scheduling of the court hearing and the persons who should be summoned to it.

In point nine of the study, the possible requests and rulings on them for the constitution of parties in the court proceedings are discussed. The work maintains that the court of first instance considering the case as the first instance in an orderly hearing should first rule on the requests for the constitution of parties and then proceed to discuss the issues under Art. 248 para. 1 of the Code of Civil Procedure. Arguments are also presented that only in the hypothesis of the initial presence of the material prerequisites for the application of Art. 78a of the Code of Civil Procedure and Chapter Twenty-Eight of the Code of Civil Procedure, and when the court is referred to an indictment, procedural precision must be demonstrated and the court must rule on the requests for the constitution of parties after discussing the issues from the dispositive hearing under Art. 248 of the Code of Civil Procedure.

In point ten of the dissertation, arguments are presented about the essence of the obvious factual error and the ways to eliminate it. It is maintained that the obvious factual error is a technical error in the writing of letters, numbers, numbers, etc. Its elimination can be done both according to the procedure under Art. 248a of the Code of Civil Procedure, and orally before the start of the dispositive hearing. Answers are given to important practical questions that are important for the correct application of the aforementioned provision. Case law on the issue of eliminating the obvious factual error is studied.

CHAPTER THREE

Chapter three is devoted to the procedural order by which the first instance dispositive hearing is conducted in cases of a general nature and, in order to formulate in-depth findings, an attempt is made to refute a number of opinions from the doctrine. The control exercised by the appellate instance over the conducted dispositive hearing is examined.

In point one, the procedural order by which the open dispositive hearing is conducted in cases of a general nature from the initiation of the case, the appointment of a judge-rapporteur, the scheduling of the dispositive hearing, the conduct and issuance of the final judicial act in a dispositive hearing is discussed. Practical cases are examined in which there are procedural obstacles to the commencement of the dispositive hearing and the grounds for its postponement. The procedural measures that should be taken to ensure the consideration of the dispositive hearing within a reasonable time are indicated. The thesis is maintained that, although it is not included in the subject of the issues in the pre-trial hearing, before proceeding to their discussion, the parties should be given the opportunity to make requests for the recusal of a member of the judicial panel, the judicial panel, the secretary, the prosecutor, the experts, the translator and the interpreter. The details of the court's protocol ruling from the pre-trial hearing are indicated.

In point two, the control exercised by the appellate instance over the pre-trial hearing of the first instance in cases of a general nature is examined. The thesis is presented that whenever there is a dispute in the pre-trial hearing concerning the main issue to be resolved – whether there was a remediable material procedural violation committed in the pre-trial proceedings, then the protocol ruling issued by the court is subject to control by the appellate instance. Accordingly, in the cases provided for in Art. 252 para. 1 of the Code of Civil Procedure, when there was no dispute between the parties in a procedural hearing regarding procedural violations and the court did not find such violations ex officio and there were grounds for considering the case under one of the differentiated procedures with an explicit request of the parties to this effect, the court shall immediately consider the case after the procedural hearing.

CHAPTER FOUR

Chapter four examines cases in which the scope of application of the procedural hearing is initially limited and an alternative for using another legislative technique is proposed. The possibility of taking another, different legislative approach is justified. The applicability of the differentiated procedures after the procedural hearing under the Code of Civil Procedure is discussed – under Chapters XXVII, XXVIII and XXIY of the Code of Civil Procedure.

Point one indicates the cases in which the scope of application of the procedural hearing of the first instance in cases of a general nature is initially limited. The point analyzes the dispositive hearing and the cases in which it is not held – in expedited proceedings (Chapter Twenty-Four of the Code of Criminal Procedure), in cases of release from criminal liability with the imposition of an administrative penalty, in cases where the case is submitted to the court by the prosecutor with a proposal for release from criminal liability and the imposition of an administrative penalty (Chapter Twenty-Eight of the Code of Criminal Procedure), and in cases of resolution of the case with an agreement submitted as such during the pre-trial proceedings (Chapter Twenty-Nine of the Code of Criminal Procedure), and in criminal cases of a private nature, initiated upon a private complaint of the victim. In these cases, all preparatory actions are carried out by the judge-rapporteur in a closed court session. It is maintained that the assessment of the presence or absence of significant and remediable procedural violations committed during the pre-trial proceedings, in expedited proceedings, is carried out in a closed court session in accordance with Art. 358 para. 1 item 3 of the Code of Criminal Procedure, and in the proceedings for the release of the accused from criminal liability with the imposition of an administrative penalty – under the procedure of art. 377, para. 1 of the Code of Criminal Procedure, however, related only to the rights of the accused. Considerations have been put forward that a legislative amendment is necessary regarding compliance with whether the procedural rights of the victim or his heirs have been violated in the expedited proceedings. The opinion has been expressed that the assessment of the presence or absence of essential and remediable procedural relations admitted during the pre-trial proceedings, when considering the case under the procedure of chapter twenty-nine of the Code of Criminal Procedure, in cases where the case has been submitted to the court with an agreement, is carried out in an open court session, on the basis of the provision of art. 382, para. 7 of the Code of Criminal Procedure.

Point two is devoted to the differentiated procedures under the Code of Civil Procedure after a preliminary hearing in cases of a general nature. The conduct of the procedures under Chapters Twenty-seven, Twenty-eight and Twenty-nine of the Code of Civil

Procedure after the preliminary hearing is considered separately. The dissertation maintains the opinion that when considering the case under Chapter Twenty-seven of the Code of Civil Procedure, the court first rules on the requests for the constitution of parties and only then proceeds to consider the case under the differentiated procedure. The opinion is substantiated that if the prerequisites for the application of Chapter Twenty-eight of the Code of Civil Procedure in a preliminary hearing are present, the court first rules on the requests of the parties for the constitution of parties, after which it discusses the issues under Art. 248 of the Code of Civil Procedure. Cases for conducting proceedings under Chapter Twenty-nine of the Code of Civil Procedure after the preliminary hearing are analyzed.

IV. CONTRIBUTIONS OF THE DISSERTATION

Based on the analyses of theoretical developments in the legal literature and case law on the application of the injunctive hearing, the dissertation makes de lege ferenda proposals for legislative amendments to the legal framework.

Some of the views expressed will probably not be accepted as indisputable, but then the goal of the dissertation to provoke a debate in the scientific communities will be achieved.

The work is consistent with the legislation in force as of April 2025.

A comprehensive study of the historical development of the injunctive hearing of the first instance in cases of a general nature has been conducted. The essence of the open injunctive hearing in all procedural laws has been studied – the Administrative Procedure Act, the Code of Civil Procedure of 1952, the Code of Civil Procedure of 1974, and the Code of Civil Procedure of 2005 in its original version and after the amendments in 2017.

The definition of the legal essence of the open pre-trial hearing. After a thorough normative and practical analysis, the concept of the pre-trial hearing, its goals and tasks have been clarified.

A comparison has been made between the cases in which a pre-trial hearing is held and other similar proceedings in which a pre-trial hearing is not held. Based on the synthesis of case law and theoretical developments, a proposal for legislative amendments has been made de lege feredna.

Each of the issues discussed in the pre-trial hearing has been studied separately, and proposals for possible practical solutions to some of the controversial points have been given. An attempt has been made in detail to outline, without claiming to be exhaustive, the remediable essential procedural violations committed in the pre-trial proceedings. According to the author, practical applications of possible elimination of procedural violations committed in the pre-trial proceedings in the central phase of the trial have been indicated.

The specifics of the constitution of the parties in the dispositive hearing in the presence of the prerequisites for considering the case under the order of some of the differentiated procedures are analyzed. Practical proposals are made according to the author for the possible resolution of practical issues related to the time of constitution of the parties in the judicial phase of the trial.

The study clarifies the essence of the obvious factual error and gives a possible practical proposal for its elimination, and for this purpose, case law is studied. The essential features of the obvious factual error and the differences with a significant procedural violation in the pre-trial phase of the trial are indicated.

The study explains in detail the order in which the open dispositive hearing of the first instance in cases of a general nature is held. The cases in which the dispositive hearing should not be held are explained in detail, and the provision of Art. 247d, para. 3 of the Code of Civil Procedure is criticized, and possible solutions are indicated, supported by case law. The grounds for initiating the pre-trial hearing and its postponement have been examined, and practical proposals have been made for a faster examination of the criminal proceedings, with a view to observing the principle of examining cases within a reasonable time.

The control that is carried out over the conducted dispositive hearing by the appellate instance is analyzed. The cases in which the judicial act issued by the dispositive hearing is subject to judicial control are indicated.

In a separate chapter of the dissertation work, as a contributing moment, the studied cases in which the scope of application of the dispositive hearing is initially limited can be determined in detail – in the expedited proceedings (Chapter twenty-four of the Code of Criminal Procedure), in the case of exemption from criminal liability with the imposition of an administrative penalty, in the cases when the case is submitted to the court by the prosecutor with a proposal for exemption from criminal liability and the imposition of an administrative penalty (Chapter twenty-eight of the Code of Criminal Procedure), and in the case of resolving the case with an agreement submitted as such during the pre-trial proceedings (Chapter twenty-nine of the Code of Criminal Procedure), and in criminal cases of a private nature, initiated upon a private complaint of the victim. The moment in which the check for a remediable essential procedural violation is carried out is studied. A legislative amendment to some of the provisions concerning expedited proceedings has been proposed.

According to the author, the study of the conduct of differentiated procedures after the conduct of the dispositive hearing at first instance in cases of a general nature can also be considered a contributing point. Possible practical solutions to problems encountered in judicial practice when conducting the various types of differentiated procedures have been given.

V. LIST OF PUBLICATIONS ON THE TOPIC OF THE DISSERTATION

1. “Limiting the scope of application of the dispositive hearing under the Code of Criminal Procedure”, UI: Law in the 21st Century, Challenges and Perspectives, Volume 2, PU “Paisii Hilendarski”, Plovdiv, 2023, Collection of papers from an international scientific conference held on the occasion of the 30th anniversary of the establishment of the Faculty of Law of Plovdiv University, October 13 and 14, 2022.
2. “Applicability of differentiated procedures under the Code of Criminal Procedure after the dispositive hearing”, Proceedings, XIII National Conference of Doctoral Students and Young Scientists and the Field of Legal Sciences, organized by the Institute of State and Law at the Bulgarian Academy of Sciences from June 30 to July 02, 2023 in Sofia.
3. “What are the essential procedural violations requiring the termination of the judicial proceedings and the return of the case during the pre-trial phase”, PU “Paisii Hilendarski”, STUDIA IURIS, issue 1 ⁄ 2024, ISSN 2367-5314
4. “Some of the procedural rights of the victim or his heirs, which are subject to discussion in a dispositive hearing of the first instance in cases of a general nature”, PU “Paisii Hilendarski”, STUDIA IURIS, issue 1/2025, ISSN 2367-5314