

OPINION

by Prof. Dr. Gergana Marinova,

member of the scientific jury, appointed by order No. RD-22-1655/15.07.2025 of the Rector of Plovdiv University "Paisii Hilendarski", for the defense of a dissertation for the acquisition of the educational and scientific degree "Doctor" in the doctoral program "Criminal Procedure", professional field 3.6. Law,

regarding the dissertation "The Preliminary Court Hearing under the Criminal Procedure Code" by Gabriel Rosenov Rusev

1. Data about the dissertation and the doctoral studies

Gabriel Rusev graduated from the Faculty of Law of the University "Paisii Hilendarski" in 2011. In the period 2011 - 2014 he worked as a legal advisor in various companies. From 2014 to 2019, he was a lawyer at the Bar Association - Haskovo. After winning a competition and training at the National Institute of Justice (2019 - 2020), he was appointed as a junior judge at the District Court - Kardzhali. Since 2021 and currently, he is a judge at the District Court - Plovdiv. In the same year, he was enrolled as a part-time doctoral student in criminal procedure at the Department of Criminal Law of the Faculty of Law of the University of Plovdiv.

During his doctoral studies, the relevant regulatory requirements were met.

The doctoral candidate meets the minimum national requirements, as he has presented a dissertation and 4 publications on its topic.

2. Evaluation of the dissertation work

The presented dissertation work "The Preliminary Court Hearing under the Criminal Procedure Code" is 173 pages long, of which 161 pages are scientific research, including an introduction, four chapters and a conclusion, and 12 pages of bibliography.

The holding of an open preliminary court hearing was introduced into the current Code in 2017. The new legal framework rightly aroused serious scientific interest, and also posed difficult-to-solve practical issues, which further stimulated legal thought to seek and propose solutions. Therefore, it is completely understandable that young researchers - doctoral students have also turned to the topic. As far as I know, this is the third dissertation analyzing the preliminary court hearing that has been presented for defense in the last year or two. To a large extent, the doctoral students have worked in parallel in time, but independently of each other, so each of these works is an original work of its author. These several works on the same topic, especially if published, will allow the criminal law community to follow a serious and interesting discussion on a number of issues and are an excellent basis for comparing approaches, theses and arguments. This opinion does not aim to compare the presented dissertation work with those already defended, but to give it an independent assessment.

In the introduction, the PhD candidate specifies the subject of the scientific research, justifies its relevance and briefly outlines its content.

In chapter one, a brief historical overview of the preliminary court hearing is made and its essence is clarified. In chapter two, the issues that are decided in the course of the hearing are discussed. In chapter three, the procedure for conducting the hearing is examined as well as the judicial control over it. Chapter four is mainly devoted to the problems that arise in the application of differentiated procedures after the holding of preliminary hearing. The conclusion systematizes the *de lege ferenda* proposals.

The dissertation is readable, the theses are clearly expressed, although sometimes too laconic, the terminology is generally used correctly, but still some imprecisions are impressive and should have been removed. For example, on p. 108 the concept of "vocal evidence" is used, which the Bulgarian criminal procedure theory does not recognise, on p. 55 the term "preliminary proceedings" is used, but such proceedings does not exist under Criminal Procedure Code for a long time.

The main contributions of the dissertation research are mainly of a practical and applied nature. The doctoral students has focused his efforts on identifying those issues that are not well resolved by the legislator, which in turn leads to problems in their implementation in practice. Pointing out the controversial issues,

he offers his answers. In some parts, however, the presentation fails to delve into the depth of the problem and to examine it from all sides. The impression remains of "skimming over the surface", of retelling the law, of presenting common knowledge, of examining issues that are already sufficiently well clarified by both theory and practice.

The second direction in which the dissertation's contribution can be sought is in the systematization of existing knowledge. The PhD student relies on the opinions already expressed in scientific publications, presents them to the reader and on this basis sets out his views - supports or refutes (denies) the theses already expressed by other authors. Unfortunately, sometimes he only indicates the existing positions, without expressing his own, or presenting detailed arguments. For example, he indicates the two opinions regarding the body that commits the accused to trial – the prosecutor or the court itself, but does not state which one he supports (pp. 29-30).

The third dimension in which the dissertation has a contributing value is the proposals made *de lege ferenda*, although some of them remain of a strongly debatable nature.

3. Data on the abstract

The abstract meets the established requirements: correctly summarizes the relevance, subject, object, goals, tasks, methods of the dissertation research, its structure and content; contains a reference to the scientific contributions and publications.

4. Conclusion

The dissertation work “The Preliminary Court Hearing under the Criminal Procedure Code” covers the requirements of the Law on the Academic Staff Development of the Republic of Bulgaria, the Regulations for its implementation, as well as the relevant regulations of the University “Paisiy Hilendarski”. I give it a

positive assessment and propose to the scientific jury to award Gabriel Rosenov Rusev the educational and scientific degree “doctor”.

19 September 2025

Prof. G. Marinova, D.Sc.