

REVIEW

From dr. **Daniela Sevdalinova Doncheva** – Associate Professor at the Faculty of Law of Plovdiv University “Paisii Hilendarski”

of the dissertation thesis for the award of the educational and scientific degree “Doctor” in the field of higher education: *3. Social, Economic and Legal Sciences*, professional field 3.6. *Law*, doctoral program “*Criminal Procedure*”;

Author: Maria Atanasova Dzaneva

Title: “Bringing to Criminal Responsibility”

Scientific Supervisor: Assoc. Prof. Dr. Ekaterina Salkova Getova – Plovdiv University “Paisii Hilendarski”

1. General Description of the Submitted Materials

By Order No. RD-22-1682/17.07.2025 of the Rector of Plovdiv University “Paisii Hilendarski”, I was appointed as a member of the academic jury for the defense procedure of the dissertation entitled “**Bringing to Criminal Responsibility**,” submitted for the acquisition of the educational and scientific degree “Doctor” in the field of higher education 3. Social, Economic and Legal Sciences, professional field 3.6. Law, doctoral program “Criminal Procedure.” The author of the dissertation is **Maria Atanasova Dzaneva**, a full-time PhD student in the Department of Criminal Law Sciences under the supervision of Assoc. Prof. Dr. Ekaterina Salkova Getova from the Plovdiv University “Paisii Hilendarski”.

The set of documents submitted by the PhD student on paper medium complies with Article 36, paragraph 1 of the Regulations for the Development of the Academic Staff of PU and includes the following:

- Application to the Rector of the Plovdiv University “Paisii Hilendarski” for initiation of the defense procedure;
- Autobiography in the European format;
- Protocol from the Departmental Council regarding readiness to initiate the defense procedure and preliminary discussion of the dissertation;
- Opinion of the scientific supervisor;
- Statement of compliance with the minimum national requirements;
- The dissertation thesis;
- Abstract in Bulgarian and English;
- List of scientific publications related to the dissertation topic;

- Copies of the publications;
- Declaration of originality and authenticity of the attached documents.

The doctoral candidate has attached 2 published articles - one in “*Studia Juris*”, e-journal of the Faculty of Law at Plovdiv University “Paisii Hilendarski” (Issue 2/2025), another in the Proceedings of the International Conference of the Faculty of Law of the Plovdiv University “Paisii Hilendarski” “Law in the 21st Century – Challenges and Perspectives,” Vol. 2/2023, Plovdiv University “Paisii Hilendarski” Publishing House - and a third article accepted for publication in the collection “Revolutions and Evolutions” of Plovdiv University “Paisii Hilendarski”.

The documents were prepared correctly and submitted within the required deadlines.

Brief Biographical Information

Maria Atanasova Dzaneva completed her secondary education in 2015 at “St. Prince Boris I” Secondary School in Asenovgrad. She obtained her master’s degree in Law (qualification: Jurist) from the Faculty of Law at Plovdiv University “Paisii Hilendarski” between 2015 and 2020. She works as an assistant in the Department of Criminal Law Sciences at the Faculty of Law, Plovdiv University “Paisii Hilendarski”, and is also registered as an attorney with the Plovdiv Bar Association. She is fluent in English, proficient in Russian, and has excellent computer skills. By Rector’s Order No. RD-21-162/24.01.2022 she was enrolled as a full-time PhD student in the Department of Criminal Law Sciences, and by Rector’s Order No. RD-22-647/11.03.2025 she was discharged with the right to defend.

2. Relevance of the Topic and Subject of Research

The dissertation of Maria Dzaneva addresses a significant and highly relevant topic due to the lack of a unified opinion in legal doctrine regarding the concept of “*bringing to criminal responsibility*,” the importance of the accused’s figure in criminal proceedings, and the absence of a comprehensive and systematic study on the concept of “*bringing to criminal responsibility*,” its procedural content, and the subsequent procedural actions required by law.

The dissertation examines the notion of “*bringing to criminal responsibility*” under the legislative framework, criminal procedure doctrine, and judicial and prosecutorial practice. It studies this concept as a criminal procedural institution under both public and private prosecution cases.

The aim of the study is to analyze and systematically explore the concept of “*bringing to criminal responsibility*” and the related key terms. Another goal is to conduct an in-depth

analysis of the legal framework governing this process under both public and private prosecution.

3. In accordance with the aim the following tasks have been completed:

- An analysis of the concept's essence under Bulgarian legislation, criminal procedural science, and case law;
- Evaluation of the effectiveness of the legal framework governing bringing to criminal responsibility under general and special procedures of the CPC;
- Examination of judicial practice, identifying inconsistencies and proposing solutions to ensure protection of defendants' rights;
- Discussion of doctrinal opinions on the subject;
- Identification of legislative gaps and deficiencies;
- *De lege ferenda* proposals for improving the legal framework.

4. Knowledge of the Problem

The doctoral candidate has thoroughly and conscientiously studied the topic of the dissertation, the topic of "*bringing to criminal responsibility*" as a whole, reviewed relevant academic literature, analyzed the legislation and case law on bringing individuals to criminal responsibility.

5. Research Methodology

In her work on the topic the doctoral candidate has employed the following methods: legal-dogmatic, historical, comparative, and the fundamental methods of formal logic (analysis, synthesis, induction, and deduction). The author also applies linguistic, logical, systematic, and comparative interpretation techniques.

6. Structure and Evaluation of the Dissertation

The dissertation comprises 211 pages, including contents, abbreviations list, and bibliography. It contains 326 footnotes and references 49 sources.

It is structured into an introduction, three chapters with thematic sections, and a conclusion.

The **introduction** highlights the relevance of the research topic and the need for a thorough and comprehensive analysis of the criminal law framework governing the bringing of charges against an accused person.

Chapter One consists of five sections that, in logical sequence, analyze the concepts of “criminal liability,” “bringing to criminal liability” under the Constitution of the Republic of Bulgaria and the current Criminal Procedure Code (CPC), as well as judicial practice. The author compares the examined concept with related terms, such as “criminal charge” under the ECHR, “institution of criminal prosecution,” and “accusation of committing a crime” under Article 2, paragraph 1, item 3 of the Law on State and Municipal Liability for Damages.

It is noteworthy that the author analyzes the concepts with exceptional precision - defining them in content, outlining similarities and differences, and drawing reasoned conclusions while presenting her own substantiated opinions. In some cases, these coincide with established theory and practice (“*bringing to criminal liability*” and “*bringing an accused*”), while in others, she offers a justified alternative view (the use of the term “bringing to criminal liability” as a generic concept).

It makes a good impression that the author avoids discussing issues irrelevant to the research and refrains from unnecessary digressions that might divert focus.

The doctoral student’s approach deserves admiration—analyzing each concept and problem through examination of relevant legislation, doctrinal developments, Constitutional Court rulings, and judicial practice.

Chapter Two of the dissertation focuses on the bringing of charges under the general rules of the CPC. The exceptional importance of this act in cases of public prosecution is emphasized - both for the parties involved and for the progress of the criminal proceedings as a whole. The author presents a historical overview and comparison of the procedural regulation of the accused’s status under the former Law on Criminal Procedure, as well as the CPCs of 1952 and 1974. Special attention is devoted to the current CPC, first examining the positive and negative prerequisites for bringing charges.

Detailed analysis is given to the lifting of immunity for members of Parliament, constitutional judges, and parliamentary candidates - addressing the specificities of the moment immunity is acquired and the possibility of bringing charges. Another section discusses the legal nature of acts bringing charges, their content, form, and procedural order. The author examines the legal effects of bringing charges and presenting the act, expressing her own opinion regarding Article 219(4) of the CPC - namely, that the legislator has provided for two forms of bringing charges, each requiring a different act: a decree under Article 219(1) of the CPC and a protocol of the procedural action under Article 219(2) of the CPC. She argues that a different interpretation of Article 219(4) CPC could lead to the risk that charges under Article 219(2) of the CPC might never be formally presented, thus violating Article 6 of the ECHR.

The chapter also reviews the peculiarities of bringing charges when the accused is absent, the accused's defense rights against the charges, and the procedural framework for questioning the accused after charges have been presented. Regarding the latter, attention is drawn to the fact that a literal reading of the text of this provision could lead to the incorrect conclusion that it applies only in cases where the accused is brought to trial under Article 219, paragraph 1 of the Criminal Procedure Code. The author concludes that the provision should also apply in cases where the bringing to criminal liability has been carried out through a protocol of the first procedural action against the person.

Part of the chapter focuses on the accused's right to present evidence and make evidentiary requests during the pre-trial phase as a form of defense. The author briefly reviews how evidence may be presented and what obligations pre-trial authorities have in gathering evidence.

Reasoned reflections are also presented concerning the mechanisms for judicial control over the act of bringing charges.

In order to ensure a comprehensive and in-depth study of the topic, the dissertation also includes an examination of *the* renewed bringing of charges against an accused person, its procedural form, and its content. The author notes that the CPC does not contain explicit provisions regarding the content of the decree issued when carrying out this procedural act. On this basis, the conclusion is drawn that this gap should be filled, and that when the investigating authority or the prosecutor issues a decree for renewed bringing of charges under Article 225 of the CPC, it should have the same content as the acts under Article 219, paragraphs 1 and 2 of the CPC, without the need to expressly state in the decree that the charge is being amended under the conditions of Article 225 of the CPC.

Attention is also given to the bringing of charges in cases of private prosecution and the resulting procedural actions.

Chapter Three is devoted to special procedural rules that reveal differences in bringing charges under particular procedures compared to the general criminal procedure. The focus is placed exclusively on those distinctions. The author analyzes the process in "fast-track proceedings", outlining the prerequisites, the content of the protocol, the report, the presentation of charges, and the subsequent questioning of the accused.

In the **Conclusion**, the doctoral student draws key findings and proposals for improving the legal framework.

7. Contributions and significance for science and practice

I evaluate positively the reviewed dissertation by doctoral candidate Maria Dzaneva. She has diligently studied the existing literature, judicial and prosecutorial practice, discussed

differing views, and clearly and convincingly formulated her own theses. It is impressive that when addressing practical problems, she proposes sensible and feasible solutions.

Her theoretical research, viewed through the lens of a practicing lawyer, allows her to make highly meaningful proposals for improving the legal framework. I agree with most of them - for example, introducing the new legal concept of a “suspect” and amending Article 219(2) of the CPC.

8. Evaluation of publications related to the dissertation

The author has three publications, namely the following articles: “The Content of Acts for Bringing an Accused Person”, published in the Proceedings of the International Scientific Conference “Law in the 21st Century – Challenges and Perspectives”, Volume 2, University Press; “Bringing an Accused Person – Historical Development of the Bulgarian Legal Framework”, published in the collection “Revolutions and Evolutions”, University Press; and “The Concept of Bringing to Criminal Liability in the Bulgarian Criminal Process”, published in the journal “*Studia Juris*”, Issue 2/2025.

9. Personal contribution of the doctoral candidate

Maria Dzaneva has worked with great depth and diligence on her dissertation topic, demonstrating solid knowledge of the subject matter as well as strong critical and analytical thinking skills.

10. Author’s abstract

The author’s abstract meets the formal requirements and accurately reflects the content of the dissertation.

11. Critical notes and recommendations

My critical remarks regarding the dissertation presented by the doctoral candidate are few and mainly concern the structure and the precision of the terminology used. I believe that the significant imbalance in the length of the individual chapters creates the impression of an imprecise organization of the content. Substantively, I consider that more attention could be devoted to the content of the decree for presenting the investigation, its mandatory elements, and the issues related to the differences between the dispositive part of the accusation contained therein and the indictment, as well as the resulting legal consequences.

12. Personal impressions

My impressions of the doctoral candidate are excellent - she is conscientious, thorough, diligent, analytical, and demonstrates the mindset of a true researcher. As a person, she is inquisitive, hardworking, and fair.

CONCLUSION:

The dissertation contains scientific, scientific-applied, and practical results that represent an original contribution to the field of science and meet all the requirements of the Law on the Development of the Academic Staff in the Republic of Bulgaria, the regulations for its Implementation, and the relevant Regulations of the University of Plovdiv "Paisii Hilendarski". The presented materials and dissertation results fully comply with the specific requirements of the Faculty of Law, adopted in accordance with the University of Plovdiv's regulations for the implementation of the Law on the Development of the Academic Staff in the Republic of Bulgaria.

The dissertation demonstrates that the doctoral candidate Maria Atanasova Dzaneva possesses profound theoretical knowledge and professional competence, and exhibits the qualities and skills necessary for conducting independent scientific research.

For the reasons stated above, I confidently give my positive evaluation of the reviewed dissertation, its results, and contributions, and I propose that the esteemed academic jury confer the educational and scientific degree "Doctor" upon Maria Atanasova Dzaneva in the field of higher education 3. *Social, Economic, and Legal Sciences*, professional field 3.6. *Law*, doctoral program "*Criminal Procedure*".

08.10.2025.

Reviewer:

/Assoc. Prof. Dr. Daniela Doncheva/