

OPINION

by Prof. Gergana Marinova, D.Sc.

member of the scientific jury appointed by Order № RD-22-1682/17.07.2025 of the Rector of University of Plovdiv “Paisii Hilendarski” for the defense of a dissertation submitted for the acquisition of the educational and scientific degree “doctor” in the doctoral program Criminal Procedure, professional field 3.6. Law, regarding the dissertation **“Bringing to Criminal Liability” by Maria Atanasova Dzaneva**

1. Information on the Doctoral Candidate and the Dissertation

Maria Dzaneva graduated in Law from the Faculty of Law at University of Plovdiv “Paisii Hilendarski” in 2020. Since 2022, she has been registered as an attorney with the Plovdiv Bar Association. In the same year, she was appointed Assistant Professor and enrolled as a full-time doctoral student in Criminal Procedure at the Department of Criminal Law, Faculty of Law, University of Plovdiv.

During her doctoral studies, the relevant statutory requirements have been observed. She was discharged with the right to defend on 1 March 2025. The dissertation was discussed at the Department of Criminal Law on 8 July 2025 and referred for public defense.

The doctoral candidate meets the minimum national requirements as she has submitted a dissertation and three publications on the subject (one of which is forthcoming).

2. Evaluation of the Dissertation

The submitted dissertation “Bringing to Criminal Liability” consists of 211 pages, of which 197 pages constitute the scientific study itself, consisting of an introduction, three chapters and a conclusion – and 14 pages of bibliography. A declaration of originality of the work and of the contributions has been attached.

The topic of the dissertation is fundamental and classical. One might expect it to have long been thoroughly clarified both in theory and in practice, yet unfortunately this is not the case. For this reason, such a dissertation is both timely and significant.

In the introduction the doctoral candidate explains the choice of topic, its relevance and briefly presents the contents of the work.

Chapter One is devoted to the concept of bringing criminal charges. It is examined both in its constitutional and criminal and procedural dimensions, with the correct observation that these are not identical. The concept of bringing to criminal liability is also compared to other related notions used in the European Convention on Human Rights and in the Bulgarian legislation – “criminal charge”, “initiation of criminal prosecution” and “accusation of committing a crime”. The conclusions as to the existence or lack of identity (or, respectively, which concept has a narrower or broader scope) are accurate and well substantiated. This gives to Chapter One a distinct theoretical value and contributory significance.

Having concluded in Chapter One that bringing to criminal liability is to be understood as constituting a defendant, Chapter Two is devoted to clarifying the conditions (prerequisites) and the procedure for constitution of the defendant, the procedure and significance of informing the defendant about the charges, and other related issues. The analysis covers both the rules applicable to cases of a public nature under the general procedure and the rules governing cases of a private nature. The contributory significance of this chapter lies in the systematization of existing

knowledge and in offering of answers to practical and applied questions. The doctoral candidate presents the different opinions expressed in the literature and, on this basis, proposes and substantiates her own answers. For example, she endorses the view that a new procedural figure – a suspect/implicated person – ought to be introduced, which would ensure better and earlier protection of the procedural rights of those suspected of committing a crime and subjected to procedural coercion. Such a position demonstrates the doctoral candidate's ability to grasp contemporary problems and to navigate well among the proposed solutions. She rightly supports the thesis that art. 219, para. 2 of the Criminal Procedure Codes is practically inapplicable in its current form (and in fact not applied) and ought to be repealed. Nevertheless, she does not refrain from analysing it and alternatively proposes its amendment. This approach is not problematic, since its shortcomings and the reasons for its inapplicability can be revealed only through analysis of the provision. Analysing the provision, the doctoral candidate asserts that the *sole* factual prerequisite for constituting a defendant under this procedure is the performance of the first investigative act against the person (p. 69). It seems to me, however, that this thesis could have been more carefully considered, even more so, as further in the dissertation she accepts that for a defendant to be constituted under this procedure, there must also exist some evidence against the person (albeit insufficient within the meaning of art. 219, para. 1 of the Criminal Procedure Codes) (pp. 70, 113–114). Thus, she herself introduces another prerequisite for constituting a defendant – the existence of evidence – thereby acknowledging that the performance of the first investigative act against the person is not the sole factual prerequisite for this.

Chapter Three is devoted to those special rules which regulate certain distinct or additional requirements concerning the constitution of a defendant and informing him/her about the charges.

The conclusion systematizes the *de lege ferenda* proposals.

The dissertation is read with remarkable ease and fluency, while nevertheless maintaining a scholarly and precise style. Procedural terminology is used correctly, enabling the theses and arguments to be expressed with clarity and accuracy.

3. Information on the Abstract

The abstract complies with the established requirements: it correctly summarizes the relevance, subject matter, object, aims, tasks and methods of the dissertation research, as well as its structure and content; it contains a reference to the scholarly contributions and to the publications.

4. Conclusion

The dissertation “Bringing to Criminal Liability” meets all the requirements of the Law on the Development of the Academic Staff in the Republic of Bulgaria, its Implementing Regulations, as well as the relevant regulations of University of Plovdiv. I give it a positive evaluation and recommend to the academic jury that Maria Atanasova Dzaneva be awarded the educational and scientific degree “doctor”.

19 September 2025

Prof. G. Marinova, D.Sc.