

REVIEW

by Prof. Dr. Ivan Petrov Vidolov

Dissertation on topic: Bringing to criminal liability

Higher education area: 3. Social, Economic and Legal Sciences

Professional direction: 3.6. Law

Scientific specialty: Criminal Procedure Law

PhD student: Maria Atanasova Zaneva

1. The relevance and scientific significance of the dissertation

PhD student Maria Atanasova Dzaneva submits for discussion to a scientific jury appointed by order of the Rector of the Paisii Hilendarski University of Plovdiv's dissertation work on "Bringing to criminal liability" for the acquisition of the educational and scientific degree "Doctor".

The dissertation is a thorough scientific research on issues of attraction to criminal liability. The scientific interest in the topic is caused by the understanding of the essential importance of attracting criminal liability as the Institute of Procedural Law. The relevance of the topic is indisputable in view of the lack of a modern in-depth scientific study on it and in view of some contradictions in the case law, therefore it does not need to be further argued. However, it is necessary to emphasize its relevance from a scientific point of view of criminal procedural theory. The author has developed scientific work that looks at the essence of the attraction to criminal liability, analyses the existing views in the legal doctrine regarding its nature and content, reveals its historical development and makes proposals for the improvement of criminal procedural legislation. This issue is first discussed in our latest jurisprudence, in the volume of monographic book, with the contributions of the analysis of a thorough research of case law and legal theory has been mostly contributing.

The PhD student reaches scientific contributions in the field of the criminal process through a respected research approach, using and further developing the modern achievements of criminal procedural theory, presenting argumentative conclusions thanks to the extremely good knowledge of the case-law. The scientific novelty and research authenticity of the results obtained and the conclusions they bring are secured by the methodological instruments used, applied in accordance with research and ethical standards. Their methodologically withstanding selection, along with the in-depth approach and the research competence of the doctoral student, have ensured the development of a dissertation study that meets and exceeds the requirements of the ZRASRB.

2. General characteristic and structure of dissertation work

Structurally, the work consists of an introduction, three heads and a conclusion. The volume of the presented dissertation work is 211 pages, and literature has been used by 49 literary sources by Bulgarian authors and foreign authors. A total of 326 footnotes were made. The chosen structure and sequence of the exhibition allow the problems under consideration to be taken and analysed both alone and in their entirety, which makes the doctoral student accessible and understandable and supportive

arguments. The selected structure of the dissertation meets the requirement of Art. 27, para. 2 of PPSRESRB.

The introduction of the dissertation work justified the relevance of the study and the goals, tasks and its methodology outlines. They are clearly and properly formulated, which has undoubtedly contributed to the results of the dissertation.

Chapter one is entitled "The term" attraction to criminal liability ", which in turn is divided into sections.

In the first section, the author methodologically sustained begins with the clarification of the concept of "criminal liability". It is considered a doctrinal term as a system of legal relations between the perpetrator of a crime and the state. It is concluded that these relations include the obligations arising from the conviction, the imposition and execution of the sentence, as well as the consequences for the person as convicted. This puts a clear theoretical framework on which subsequent analysis is step on. In the second section, the in -depth analysis of the constitutional significance of the concept is the impression. The author emphasizes on Decision No. 14 of 1999 of the Constitutional Court, which distinguishes "the attraction of an accused" under the CPC from the "attraction to responsibility" under Art. 127, item 3 of the Constitution. The conclusion of the autonomy of the concept in constitutional sense can be shared, with the effort of the doctoral student with the procedural theory contributing to the scientific contributions of work.

In Section Three, the analysis of the provision of Art. 286, para. 2 NK. It is argued that the composition of the crime is present when the person is indicted as an accused, whether criminal liability is subsequently realized. This approach shows a high degree of precision in the interpretation of the norm.

In the fourth section, the author examines the concept through the prism of the CCP and SEEA. Strong Anna of the analysis is the conclusion that the attraction is made by a decree of a competent authority, which in many cases precedes the final accusation before the court.

The author performs a comparative analysis with the concept of "criminal accusation" under the ECRF. In locked correctly emphasizes that the scope of the concept under Art. 6 Express is wider. The comparison with the Bulgarian criminal procedure is correct and leads to the clear conclusion that the "criminal prosecution" involves the attraction of an accused but is not limited to it. Further, it compares with "excitement of prosecution". A consistent comparison was made between the constitutional and the procedural understanding of "excitement of prosecution". It can be shared that it essentially coincides with "attraction to criminal liability", as both indicate the same procedural action. Finally, a comparison is made with a "charges in committing a crime" under ZODOV. This subsection has a thorough review of the controversial case law and its connection with Interpretative Case No. 2/2025. There is a reason for the author that for the purposes of ZODOV the broader interpretation given in the practice of the Supreme Court of Cassation, including in cases where there is no formal attraction of the accused, but the person is actually treated as such.

Chapter Two is entitled "Attraction to criminal liability under the general rules of the CCP" is structured in sections.

In the first section, the author correctly emphasizes the importance of attracting an accused as a key act in the pre-trial phase, determining the direction and dynamics of the process. Impressive is the historical retrospection - from the Law on Cash Court, through the CPC of 1952 and the one of 1974, to the current CPC of 2005. It is especially valuable to explore the introduction of the second form of attraction under Art. 219, para. 2 of the CCP, which testifies to depth and critical attitude to the development of legislation.

In the second section, the doctoral student consistently analyses the prerequisites for attraction under Art. 219, para. 1 and para. 2 of the Code of Criminal Procedure, making a clear distinction between the two forms. A significant contribution is the criticism of the ambiguity of the regulation under para. 2 and the justified proposal for a new legal figure - "suspect" or "investigated person". Positive for the work is the comparative analysis with the French model, which enriches the argument. A positive impression is the classification of the prerequisites derived in a systematic form.

Particular attention deserves the in depth examination of the special prerequisite for the elimination of immunity. The development in the part of the immunity of the MPs, the constitutional judges and the candidates for MPs, in which the author correctly takes into account the differences in the constitutional and election regulation, has been paid. The analysis of the moments of the acquisition of immunity - before or after the attraction - as well as the practical consequences of that for criminal proceedings, also impresses.

In section Three, it is argued for the thesis that it is not the name, but the content of the act predetermines its essence. Support finds that the decree or protocol is individual legal acts of public law, of a strictly procedural nature. The analysis of content and requisites is exhaustive and based on both legislation and practice.

The fourth section clearly distinguishes the reporting from the attraction itself, which gives them the importance of self-procedural actions related to each other. This conclusion is reasoned and correct, and the discussion of the content and legal importance of the report is in depth and well supported.

The next section clarified the differences between the attraction under Art. 219, para. 1 and under Art. 219, para. 2 of the Code. The doctoral student correctly emphasizes that at para. 1 the report to the prosecutor is mandatory, while in para. 2 The focus is on the first investigation action. It is argued that the figure of an accused arises only with a proper act, not before.

In the sixth section, the legal consequences are systematized - the constitution of the accused, the formulation of the accusation, the emergence of functions on the accusation and the defence. In Section Seven, entitled "The presentation of the act of attraction" deserves attention to the proposal for the correct interpretation of Art. 219, para. 4 of the Code of Criminal Procedure, in order to cover and attract with the protocol under para. 2. 6 ECC.

In the Section of the Eighth and Ninth, attention is paid to the procedural protection of the accused. The analysis of the three main means of protection is justified: the interrogative of the accused, the evidentiary demands and the control of the attraction. In the next section, entitled "New Attraction of the Appeal", the PhD student clarifies that the new attraction under Art. 225 of the Code of Criminal Procedure is not a new substantive, but a change in the already charged. It is understandable that the

decree for a new attraction should have identical content with that under Art. 219 PPC to avoid gaps and contradictions.

Chapter Three of the dissertation is dedicated to criminal liability in accordance with the special rules of the CCP. "In the last chapter of the dissertation work, the author concentrates his attention on the special rules of Part Five of the CCP. He is correctly limited to those provisions that introduce differences in comparison with the general procedure for the attraction to criminal liability.

In the first section, the doctoral student consistently analyses the regulation of Art. 356, para. 4 of the Code of Criminal Procedure and compare it with the provision of Art. 219, para. 2 of the Code. Particularly valuable is his critical approach to the thesis that the figure of the accused arises by virtue of fiction - the need to draw up a due act is argued. The prerequisites for attraction - justified assumption, first act of investigation, lack of grounds for termination, competent authority and proper act - are systematically represented and logically protected. It impresses the in -depth analysis of the "justified assumption" criterion. With regard to the content of the protocol, the author correctly outputs his identity with the one under Art. 219, para. 2 of the Code. It is also very positive that, due to the short time, a report to the prosecutor should not be required as this would be contrary to the meaning of rapid production.

Second section "Attracting in cases against minors" is assumed that both forms of attraction are applicable to minors. Particularly valuable is the emphasis on the condition "competent authority" - given the requirement to keep the investigation by bodies and prosecutors with special preparation for the rights of the child. The strong side of the analysis is the examination of the specific obligations in the presentation of the act and the interrogation of the minor accused.

Section Three discusses the involvement in cases against persons who do not speak Bulgarian. It is correctly noted that the peculiarities here do not affect the attraction itself, but only the additional procedural rights of the accused - the participation of a defence counsel, translator or translator in a sign language, translation of the act and the possibility of objections to the accuracy of the translation. This focus shows precision and attention to protection guarantees.

In the fourth section "Attracting the cases of military courts", the PhD students correct to conclude that there are no special rules for the forms of attraction and should be applied common. The essential feature derived from the author refers to the competent authority - a military prosecutor or military investigative authorities. The analysis is accurate and comprehensive.

The last section presents the specifics of the new regulation, which creates a special body - a prosecutor to investigate crimes committed by the Attorney General or his deputy. It is emphasized that the common rules apply to the forms of attraction, with the only feature being again in the requirement for a competent authority. Attention to procedural actions after charges in these exceptional cases is particularly valuable and shows excellent orientation in the current regulatory environment.

In the conclusion of the dissertation work, the results of the study were summarized and the conclusions of the study were systematized, with recommendations being derived from the results obtained.

3. Characteristics of scientific and scientific contributions to the dissertation

The dissertation work has scientific contributions to the criminal process, which is evident from the characteristic of its content. The doctoral student has indicated scientific contributions that I accept unreservedly. For greater brevity, they can be summarized in the following main points:

- The dissertation examination for the first time addresses the issue of involvement in criminal liability in a monograph
- A thorough analysis of the essence of attraction to criminal liability has been made.
- The content and forms of a manifestation of criminal liability have been revealed.
- Proposals have been made to improve the criminal procedural legislation.

4. Conclusion

PhD student Maria Atanasova Dzaneva possesses in -depth theoretical knowledge of the criminal process and proven abilities for independent scientific research. The presented dissertation work "Bringing to criminal liability " has the nature of a thorough scientific study.

The presented and reasoned scientific views by the doctoral student leave no doubt that the dissertation is the result of serious work and personal contribution to the criminal process. Scientific research contains in -depth theoretical generalizations and scientific contributions. They meet the requirements of Art. 6 of the Academic Staff Development Act in the Republic of Bulgaria and Art. 27 of the Regulations for its implementation.

Given the positive assessment of the dissertation presented and taking into account the serious professional experience of the doctoral student, I am definitely giving my positive assessment and recommendation to the scientific jury to vote for the acquisition of Maria Atanasova Dzaneva at the educational and scientific degree in the field of higher education 3. Social, economic and legal sciences, professional field 3.6. Law, a scientific specialty "Criminal Process".

Member of the Scientific Jury:

Prof. Dr. Ivan Vidolov

Sofia
20.08.2025