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BRINGING TO CRIMINAL LIABILITY

ABSTRACT
OF A DISSERTATION FOR ACQUISITION OF EDUCATIONAL AND SCIENTIFICAL DEGREE "DOCTOR"

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The dissertation thesis entitled "Bringing to criminal liability" has passed the preliminary discussion in the Departmental Council of the Department of Criminal Law on 08.07.2025.

I. GENERAL CHARACTERISTICS OF THE DISSERTATION

1. Relevance of the research

The research focuses on bringing to criminal liability as a concept used frequently in our legislation, in the judicial and prosecutorial practice in criminal cases, but also in the criminal procedure doctrine.

The topicality of the research on bringing to criminal liability is conditioned by the following circumstances:

- in the legal doctrine there is no unanimous opinion on the content of the concept of "*bringing to criminal liability*";
- there is no doubt that this concept contains an institution of criminal procedure, which legal framework has been evolving over the years;
- the essential importance of the figure of the accused for the entire criminal proceedings;
- the lack of a modern, comprehensive, complex study of the issues relating to the concept of "*bringing to criminal liability*" and the criminal procedural institute which fills it with content, as well as the subsequent actions which must necessarily be carried out after bringing an accused person to trial.

2. Subject and tasks of the study

The subject of the dissertation is the concept of "*bringing to criminal liability’*" in the sense of the legislative framework, criminal procedure doctrine, as well as judicial and prosecutorial practice in criminal cases. In addition to the notion, the subject of the study is also the institution of criminal procedure law, which fills this concept with content in lawsuits of general and private character.

The first objective of the study is to analyse the concept of "*bringing to criminal liability*" and to systematically examine the main concepts related to it.

The second objective of the study is a thorough and comprehensive analysis of the legal framework of criminal prosecution in lawsuits of general and private character.

3.Tasks of the study

In order to fulfil the aforementioned objectives, the following research tasks have been formulated:

1. To analyse and reveal the essence of the studied concept in the sense of our legislation, criminal procedure studies, judicial and prosecutorial practice in criminal cases;
2. To analyse and evaluate the effectiveness of the legal framework for bringing to criminal liability in lawsuits of general and private character, as well as under the special rules of the Code of Criminal Procedure;
3. To analyse the practice of the Bulgarian courts, to identify contradictory case law and to justify ways to overcome it in order to guarantee the rights and legitimate interests of the accused;
4. Discussion of the opinions expressed in the doctrine on the issues under study;
5. To define gaps and imperfections in the Bulgarian legislation concerning bringing to criminal liability;
6. To justify and formulate appropriate recommendations *de lege ferenda* for improvement of the legal framework related to the institutes studied here.

4. Research methodology

In order to achieve the objectives of the study, the following research methods were used: legal-dogmatic; historical, comparative law method, as well as the basic methods of formal logic (analysis, synthesis, induction and deduction). The methods of linguistic, logical, systematic and comparative interpretation have also been applied in many places in the dissertation.

They are applied accordingly in the analysis of the legal framework and its ambiguities and shortcomings, in the establishment of the historical preconditions for bringing to criminal liability, and in the argumentation of why a particular opinion, found in doctrine and case law, should be preferred to others.

5. Scientific novelty of the research

In the Bulgarian legal doctrine there have been conducted a number of scientific studies by prominent scholars, which analyse various aspects of bringing to criminal liability, but there is no comprehensive, in-depth and comprehensive analysis of this concept, as well as the institutes of the criminal procedure related to it. In view of the above, the author of this dissertation attempts to fill this gap in the doctrine.

Within the framework of this study, a number of specific issues of the topic as well as those related to it are analysed.

6. Scope and structure of the dissertation

The dissertation has volume of 211 pages, including a table of contents, a list of abbreviations used, and a bibliography. The number of footnotes is 326. The number of references cited in the dissertation is 49.

Structurally, the dissertation includes a title page, a table of contents, a list of abbreviations used, an introduction, three chapters with a distinct structure, a conclusion and a list of references used (bibliography). A declaration of originality is attached to the dissertation.

II. OUTLINE OF THE DISSERTATION

Introduction

The introduction of the dissertation clarifies the relevance of the topic of bringing to criminal liability. The necessity of conducting a thorough and complex study of the criminal procedural framework for bringing an accused person is objectified. The tasks of the dissertation are stated.

CHAPTER ONE.
The concept of "bringing to criminal liability”

Section 1. Criminal liability

In accordance with the objectives of the study of the concept of "bringing to criminal liability”", the concept of ,,*criminal liability*" is also examined in doctrinal terms. It is perceived as a set of legal relations arising from the crime committed. The parties to this legal relationship are the perpetrator and the state, and its content may be broadly defined as the rights and obligations that arise between the parties on the occasion of the conviction of the perpetrator, the imposition of a sentence by a final judgment, the execution of the sentence imposed and the treatment of the perpetrator as a convicted person.

Section 2. The concept of "bringing to criminal liability" under the Constitution of the Republic of Bulgaria

The notion of "*bringing to criminal liability*" is examined in the light of its content in the Constitution of the Republic of Bulgaria (CRB) and the interpretation given in the Decision No. 14 of 30 September 1999 on Constitutional Case No. 1 of 1999 of the Constitutional Court, where it was held that bringing a defendant to criminal liability under Art. 207, para. 1 of the Criminal Procedure Code of 1994 is not bringing to liability of persons who have committed offences within the meaning of Article 127(3) of the Constitution.

A conclusion is drawn as to the autonomy of this concept within the meaning of the Constitution, and it is also compared with the content embedded in it in criminal procedure theory – bringing an accused.

Section 3. The concept of "bringing to criminal liability" under the current Criminal Code of the Republic of Bulgaria

In this section the concept of "*bringing to criminal liability*" is examined in the light of the current Criminal Code, where it is used in Article 286, paragraph 2. The author has reasonably assumed that the qualified composition of the offence will be fulfilled when the accused is brought to trial under the procedure of the Criminal Procedure Code, and it is irrelevant for the constitutionality of the act whether criminal liability is realised.

Section 4. The concept of "bringing to criminal liability" under the current Criminal Procedure Code of the Republic of Bulgaria and the criminal case law of the Bulgarian courts

The concept examined in Chapter I of the dissertation is examined through the prism of the current Criminal Procedure Code (CPC) as well as the Extradition and European Arrest Warrant Act (EAWA). It is concluded that in these legal acts, the legislator uses the concept of '*bringing to criminal liability* when it provides for such bringing to be carried out by a proper act of a competent authority according to the national law of the requesting State within the meaning of the CPC, i.e. the EAWA. It is held, on the basis of the case law analysed, that such an act is undoubtedly the order to bring an accused before the competent court where the requesting State provides that it is to be carried out before a final charge is brought before the competent court.

The nature of the concept in the light of prosecutorial and judicial practice in criminal cases, as well as in criminal procedural theory, is also clarified. It is reasonably concluded that the term refers to the procedural act of "*bringing an accused*" in cases of a general nature.

Section 5. Comparison between the concept of "bringing to criminal liability" and other related concepts

In order to clarify to a greater extent the meaning of the concept analysed in the first chapter of the work, it is compared with other related concepts - *"criminal charge*" within the meaning of the ECHR, *' 'prosecution*" and *' 'indictment*" within the meaning of Art. 1(3) of the Liability of State and Municipalities Act.

5.1. Comparison with the concept of "criminal charge" within the meaning of the European Convention on Human Rights

Section 5.1 of Chapter One explains the nature of the concept of "*criminal charge*" within the meaning of the ECHR and the case law of the European Court of Justice. It is compared with "*bringing to criminal liability*" under criminal procedure law. It is concluded that the concepts compared are not identical and that one of them, the one under Article 6 ECHR, has a wider scope. It includes the bringing of an accused under the Code of Criminal Procedure, but is not limited to it.

5.2. Comparison with the notion of '’instigation of a criminal prosecution'

The terms *"prosecution*" and "*instigation of prosecution*" are discussed as used in the Criminal Procedure Code and the Constitution of the Republic of Bulgaria. A review and analysis of the case law of the Constitutional Court on the content of the notion of "*instigation of criminal prosecution*" is carried out. A comparison is made between it and the concept discussed in Chapter One of the dissertation. According to the author’s thesis, the two compared concepts - "*bringing to criminal liability*" and "*instigation of criminal prosecution*" are identical and mean the same criminal procedural action.

5.3. Comparison with the concept of "accusation of committing a crime" within the meaning of Art. 2, par. 1 (3) of the Liability of State and Municipalities Act

The dissertation objectifies the different opinions in the jurisprudence on the notion of "*accusation of committing a crime"* within the meaning of Art. 2 par. 1 (3) of the Liability of State and Municipalities Act, which gave rise to the Interpretative Case No. 2/2025 for the adoption of an interpretative decision by the General Assembly of the Civil Chamber of the Supreme Court of Cassation.

The different content of '*accusation of a criminal offence*' is compared with that of '*bringing to criminal liability*' within the meaning of the doctrine of criminal procedure.

The dissertator has put forward his own opinion that for the purposes of Art. 1(3) of the Liability of State and Municipalities Act, the second interpretation of the expression used by the legislator, as stated in the Decision No. 50009 of 08.02.2023 in Case No. 932/2022 of the SCC, should be accepted, since in the detailed hypotheses in which no bringing of the accused was made, the particular person is either the only possible perpetrator or is named as such in violation of the procedural norms. In these special cases, the person suffers damage in the same way as the accused person because, although he is not legally accused, he is factually the only possible perpetrator or is named as such in another procedural act.

CHAPTER TWO
Bringing to criminal liability under the general rules of the Code of Criminal Procedure

Section 1. Bringing to criminal liability in lawsuits of general character

1.1. General provisions

In item 1.1. of Chapter Two, Section One, is highlighted the exceptional importance of bringing a defendant to trial in criminal cases of a general character as an act with significant legal consequences for the participants in the trial, but also for the development of criminal proceedings in general. It sets the framework and determines the direction of the subsequent actions to be carried out in the pre-trial phase. The procedural activity of all trial subjects is carried out in view of the indictment until the case is brought to court in one of the possible ways.

1.2. Historical overview

Clarification of the nature of the criminal prosecution in the pre-trial phase of the criminal process implies its study in development. Therefore, this section of the dissertation analyses the history of bringing a defendant to trial in the criminal process. An overview is made of the procedural framework for the constitution of the figure of the accused in the Criminal Procedure Act (CPA), in the Criminal Procedure Codes of 1952 (CCP 1952) and of 1974. A comparison is made between the different procedural frameworks.

1.3. Arraignment of an accused under the Criminal Procedure Code of 2005.

The Criminal Procedure Code 2005 came into force on 29 April 2006, repealing the 1974 Code. It is reversed in section 1.3 of

Chapter Two and it is concluded that it largely retains the regulation on bringing to criminal liability in the Criminal Procedure Code 1974, but it introduces a second form of bringing an accused - that under Article 219(2) of the Code.

Section 2. Prerequisites for bringing an accused person it pre-trial phase

In Section 2 of Chapter 2 the prerequisites for bringing an accused under Art. 219, para 1 and Article 219, para 2 of the CPC. The difference is clarified, according to the dissertator, of the prerequisites for the first and the second form of indictment in the pre-trial phase of criminal proceedings. The unclear procedure for bringing an accused under Article 219 (2) of the Criminal Procedure Code is criticized, and a proposal is made to abolish it and create a new legal framework for bringing a "*suspect*", "*person implicated*" or "*person under investigation*". A proposal has been made as to the prerequisites for the constitution of this new legal figure and the rights to be provided for it. Further questions are raised concerning the maximum time limit for a person to have such a capacity, the possibility of a correlation between the proposed new capacity of the person who may have committed the offence and that of the accused, and the value of the explanations given. A comparative legal analysis is made with the procedural framework of the so-called assisted witness (témoin assisté) in the French Criminal Procedure Code.

Finally, a classification of the prerequisites for bringing an accused is proposed in this section, according to which they are also discussed in detail in the following paragraphs.

2.1. General prerequisites for bringing an accused under Art. 219 para. 1 of the Criminal Procedure Code

The author of the dissertation examines subsequently the prerequisites for bringing an accused under Article 219, para. 1 of the Code of Criminal Procedure in the light of the criminal procedure doctrine and case law. The article outlines four general and necessary conditions for the procedural action to be carried out: *sufficient evidence of the person's guilt in committing a specific offence must have been collected*; *the grounds for termination of criminal proceedings must not exist; a competent authority and a proper act must have been established.*

Considerable attention is paid to the first and second prerequisites, as well as to the controversial issues in theory and practice concerning them.

2.2. General prerequisites for bringing an accused under Art. 219 para.2 of the Criminal Procedure Code

The author of the dissertation examines the prerequisites for bringing an accused under Article 219 para. 2 of the CPC in the light of the criminal procedure doctrine and case law. The paper outlines four general and necessary conditions for the procedural action to be carried out: *the first investigative action must have been carried out against the person for whom evidence has been gathered that he committed the crime under investigation; the prerequisites for the termination of criminal proceedings must not be present; a competent authority and a proper act.*

Considerable attention is paid to the first prerequisite, as well as to the controversial issues in theory and practice concerning them.

2.3. Waiver of immunity as a special prerequisite for bringing an accused person

Section 2.2 of Chapter 2 deals with the waiver of immunity as a special prerequisite for bringing an accused. The legal nature of immunity is presented, as well as its legal regulation in the Constitution of the Republic of Bulgaria and the Election Code (EC). Attention is paid to the decisions of the Constitutional Court relevant to the study in section 2.2 of Chapter Two. It is explained that due to the focus of the dissertation and its objectives, the legal regulation of immunity and the possibility of its abolition will be analysed only with regard to MPs, constitutional judges and candidates for MP.

A. Immunity of MPs and constitutional judges

This part of the dissertation presents the most significant features of the immunity of MPs and constitutional judges. They are examined together insofar as, on the basis of Article 147(6) of the Constitution, constitutional judges enjoy the immunity that is inherent in deputies.

An analysis is made of the norms of Art. 70 para. 1 of the Constitution and Art. 220 par. 1 of the Criminal Procedure Code and the notion of "*instigation of a criminal prosecution*" used therein, as well as the time at which the waiver of immunity is required.

B. Immunity of candidates for MP

Pursuant to Article 160, para. 1 of the Election Code candidates for MP also have immunity, which has been investigated.

The paper compares the provisions of the Election Code on the immunity of registered candidates and the immunity provided for MPs in Article 70, para. 1 of the Constitution, and it is concluded that the Code is more precise in stating that the protection provided for in the Constitution and the Election Code is relevant not to the initiation of pre-trial proceedings, but to the criminal prosecution under Art. 219, para 1 or 2 of the CPC.

2.3.1. The significance of the moment of acquisition of immunity for the bringing of an accused under the Criminal Procedure Code

In two separate sub-sections of section 2.3.1, the procedural steps to be taken in connection with the bringing of an accused person in respect of the time of acquisition of immunity are examined.

A. Acquisition of immunity prior to the indictment

This part of the dissertation reflects the necessary actions to be taken when, in the framework of criminal proceedings, evidence has been gathered that a person enjoying protection from prosecution has committed a crime of a general nature and it is necessary to bring him or her as an accused. In such cases, the criminal proceedings initiated must be suspended on the basis of Article 25, para. 1 (3) of the Criminal Procedure Code. After its suspension, the development of the proceedings depends on the lifting of immunity and the absence of other obstacles to its continuation against the person concerned.

An overview of the ways in which immunity may be waived as an obstacle to prosecution is provided.

Only after the immunity has been waived should the competent pre-trial authority resume the suspended proceedings and charge the person as an accused under Article 219 of the Criminal Procedure Code if there are no other obstacles to doing so.

B. Acquisition of immunity after indictment

In item B of p. 2.3.1., the procedural steps to be taken in the event that a person who has already been constituted as an accused under Art. 219 par. (1) or (2) of the Criminal Procedure Code, but has subsequently acquired immunity, are considered. The author has analysed the legal framework and the case law on this issue. She has come to the conclusion that the criminal proceedings against that person should be suspended, and that they would not proceed until his defence against prosecution has lapsed. In that case, at the discretion of the prosecutor, the proceedings may continue in respect of the remaining accused if that will not prevent the discovery of the objective truth.

Once immunity has been waived, the criminal proceedings must be resumed because the grounds for suspension have ceased to exist and there is no obstacle to the accused being subjected to coercive measures again.

Section 3. Acts for putting a person under invenstigation

Acts of bringing to criminal liability are essential for the proper bringing of charges in the pre-trial phase of criminal proceedings, since their drawing up constitutes the figure of the accused and forms the charge in fact and in law.

The legal nature of these acts, their content according to the current legal framework, as well as each requisite separately are discussed in separate paragraphs, indicating which of them are part of the mandatory content of the decree or report under Art. 219, para. 1 or 2 of the CPC.

3.1. Legal nature of acts of bringing an accused person in pre- trial phase

In Section 3.1 of Chapter Two, the dissertation concludes that it is not the name of the acts under consideration but their content that determines their key role in the criminal process. By their legal nature, the acts by which a person is charged as an accused belong to the category of individual legal acts of public law The decree (respectively, the report on bringing a defendant to trial) is a law enforcement and never a law enforcement act. They are procedural, dispositive and official documents that may only be drawn up in the pre-trial phase of criminal proceedings.

3.2. Contents of acts of bringing an accused in pre-trial phase

A. Contents of the decree for bringing an accused under Article 219, par. 1 of the Code of Criminal Procedure

In this sub-section, the author has briefly presented the content of the decree for bringing an accused under Article 219, paragraph 1 of the Criminal Procedure Code.

The lawmaker does not provide for the content of the act of bringing an accused to be the prosecutor's report, as provided for in Article 219, para. 1 of the Criminal Procedure Code, although in practice this is done by affixing the date, the signature of the prosecutor and the seal of the prosecutor's office. In the light of the foregoing, it is concluded that its absence does not lead to the unlawfulness of the decision to arrest the accused and to the vitiation of the actions carried out against him by the investigating authority.

B. Content of the report on bringing the accused under Article 219, par. 2 of the Criminal Procedure Code

In this sub-section, the author has briefly presented the contents of the report provided for by law, by the drawing up of which an accused person is brought under Article 219, paragraph 2, of the Criminal Procedure Code. The act of the first action against the person has its requisites, which are the same as those of the decree under Article 219 para. 1 CPC.

An analysis and assessment of this legislative approach is made. According to the author of the dissertation, this different hypotheses of bringing an accused person, regulated in the current CPC and the different prerequisites for their implementation, should not lead to the conclusion of different content of the acts by which the person is brought as an accused. This is so insofar as the drawing up of the act, both under par. 1 of Article 219 of the Criminal Procedure Code, as well as under paragraph 2 of the same Article, a certain person acquires the status of an accused - a central figure in the criminal process. From that moment on, that person may enjoy the rights provided for in the Code of Criminal Procedure for any accused person, irrespective of the manner in which he or she was accused, including the right to be informed immediately and in detail of the nature of and reasons for the charges against him or her in a language which he or she understands.

3.3. Requisites of the acts of bringing an accused in pre-trial phase- mandatory and optional content

In Section 3.3 of Chapter Two of the dissertation, each of the requisites, part of the required and optional content of the act of bringing of accused person are examined separately. Their analysis is made on the basis of the theoretical statements in the doctrine, and the case law in relation to them is taken into account.

It is concluded that the evidence on which the bringing of the accused is based is the only optional requisite of the acts under consideration.

Attention has also been drawn to the requisite under art. 219, par. 3, (7) of the Criminal Procedure Code, added by the amendments to the procedural law of 2023. It is concluded that it should be included in the mandatory content of the acts for bringing an accused person to trial when the accused is a minor.

Section 4. Report at bringing an accused person in pre-trial phase

This section is devoted to the mandatory report to be made when an accused is charged under Article 219, para. 1 of Criminal Procedure Code and Article 219, para. 2 of the Code. Different opinions in theory are reflected on whether it is part of the factual composition of bringing to criminal liability in lawsuits of a general character. The conclusion is drawn that the reporting and the prosecution itself are two separate procedural acts which are interrelated.

The content of the report, the manner of reporting and its legal significance are discussed by the dissertation in the same section.

Section 5. Procedure for bringing an accused person in pre-trial phase

The procedural forms of bringing an accused person are regulated by the lawmaker in the rulings of Art. 219, para. 1 and 2 of the CPC. The dissertation concludes that the two reveal more differences than similarities, and this is due to the significant difference of the factual circumstances under which one and the other form of entrapment is usually carried out. For the foregoing reasons, and they are discussed in turn in separate paragraphs.

5.1. Procedural form of bringing an accused under Article 219 para. 1 the Criminal Procedure Code

Sub-section 5.1 of Section 5 sets out and explains the procedural steps to be taken when bringing an accused person under Article 219, para. 1 CPC. From the wording of Art. 219 para. 1 of the Criminal Procedure Code, it is clear that the lawmaker has made it obligatory for a report to be made to the public prosecutor by the investigating authority before the decision for bringing an accused person is made. Only after this obligatory report, the competent authority arraigns the person as an accused by drawing up a decree containing the requisites under Art. 219 par. 3 of the Criminal Procedure Code. The author of the decree is the person who drew up and signed it.

It is concluded that the notification of the accused of the drafted indictment against him (the so-called filing of the indictment) is a subsequent act which must not be confused with the indictment under Article 219, para. 1 of the Criminal Procedure Code.

5.2. Procedural form of bringing an accused under Article 219, para. 2 of the Criminal Procedure Code

In sub-section 5.2 of Section 5 are clarified the procedural steps to be taken when bringing an accused under Article 219(2) of the CPC. Different opinions on the constitution of the figure of the accused in this form of indictment in the pre-trial phase are analysed. The author concludes that the emergence of the figure of the accused under Article 219 (2) is linked to a procedural act. We can speak of such only after it has been drawn up - it contains the necessary requisites and has been signed by the competent authority. Before that point, we cannot claim the existence of a procedural act. The linguistic interpretation of the words used in the norm under discussion has also been carried out, and it has been reflected that it cannot be concluded from them that the moment of constitution of the procedural figure is before the act is performed. This conclusion is not undermined by the fact that the legislator has indicated the moment of the accused's accusation by the expression ,,with drawing up" a record, and has not used the expression „after drawing up" of the act of the investigation against the person.

Lastly, and alternatively, in the event that the provision is not repealed in accordance with the first *de lege ferenda* proposal in the work relating to it, the dissertation has drawn attention to the extreme need to improve the legal regulation of the arrest of an accused person under Article 219(2) of the Criminal Procedure Code.

Section 6. Legal effects of bringing an accused in pre-trial phase

Section 6 of Chapter Two discusses the legal effects of bringing an accused. It deals separately with the constitution of the figure of the accused; the formulation of an accusation; the emergence of the function of accusation and the function of defence.

Section 7. Presentation of the act of bringing charges in pre-trial phase

This part of the dissertation reviews the presentation of the act of bringing charges in pre-trial phase

Upon a careful review of the legal regulation on bringing charges, and in particular of Article 219, para. 4 of the CPC, it is evident that the lawmaker regulates the obligation of the investigating authority to bring only the decree for bringing the accused. The author has expressed the opinion that the norm of Article 219, paragraph 4 of the CPC should be interpreted correctively, taking into account that the lawmaker regulates two forms of bringing an accused person, and in each of them the person is brought by a different act - under Article 219, para. 1 CPC by drawing up a decree, and under paragraph 2 of the same article - a record of the action on investigation against the person. A different interpretation of the ruling of Article 219, paragraph 4 of the Code of Criminal Procedure would lead to the danger that any charge, under Article 219, paragraph 2 of the Criminal Procedure Code would not be brought, thus violating Article 6 of the ECHR. The competent authorities to bring the charge, the subjects to whom it is brought and the rules of summoning for this procedural action are analysed.

Section 8. Particularities relating to the bringing of charges in an investigation in the absence of the accused

Section 8 of Chapter Two is devoted to the specifics of the presentation of the act of bringing an accused person when the investigation is conducted in the absence of the accused. The author has come to the conclusion that in such cases the act of bringing should be handed to the defence counsel – an attorney-at-law, and the pre-trial proceedings authority should provide him with an opportunity to acquaint himself with its full content and hand him a copy thereof.

This is not the case with the immediate interrogation of the accused, which must be conducted in accordance with Article 221 of the Criminal Procedure Code. In the cases referred to in Article 206 of the Code, the defence counsel could not 'replace' the accused during the interrogation and make statements on his behalf which would be entered in the record. Therefore, in these cases, after the indictment has been handed down, the accused should not be questioned under Article 221 of the Criminal Procedure Code, since there is no subject to be questioned.

Section 9. Defence of the accused against the charge in pre- trial phase

This part of the study presents the possible defence of the accused against the indictment. The line of defence of the accused and his counsel after arraignment, should be assessed in each particular case in the light of the objectives of the prosecution. The lawmaker provides the accused person with procedural means to protect his rights and legitimate interests. These are analysed in turn in separate paragraphs in the dissertation.

9.1. Interrogation of the accused

Sub-section 9.1 of Chapter Two, Section 9 analyses the legal framework for the interrogation of the accused after the filing of the indictment. Attention is drawn to the fact that a literal reading of the text of this provision could lead to the incorrect conclusion that it is applicable only in cases of bringing an accused under Article 219(1) of Code. The author concludes that the provision should also be applied in cases where the person is held criminally liable by means of a report of the first action against the person.

In the same paragraph, an examination is made of the authorities competent to carry out the interrogation under Article 221 of the Code, as well as the procedure for carrying it out.

In connection with these issues, the case law in criminal cases is also traced.

9.2. Requests for evidence and presentation of evidence

The second point of section 9 is devoted to the possibility of presenting evidence and making evidentiary motions by the accused as a form of defence against the charge in the pre-trial phase. The possibility of presenting evidence and the ways in which requests for evidence may be made are briefly discussed, as are the obligations of the pre-trial authorities in relation to the gathering of evidence.

9.3. Control of bringing an accused person in pre-trial phase

The last point of Section 9 of Chapter Two focuses on the possibility of controlling the bringing of an accused person. The option of prosecutorial control (so-called hierarchical control) under Article 200 of CPC as well as that of judicial control are examined in turn.

In addition to drawing conclusions based on an analysis of the legal framework and criminal procedure doctrine, case law on the issues of section 9.3 of section 9 of the dissertation is presented consistently.

The author assumes that judicial review of bringing an accused is inadmissible, and the one under Article 200 of the Code is necessary and possible, but only at the first stage of the pre-trial phase. Where, at the second stage, the prosecutor finds that the accused is not the guilty perpetrator of a criminal act of a general characteristic, the criminal proceedings must be partially discontinued against the person held liable. This is because, if the contrary view were to be adopted, it would permit circumvention of the law and, in particular, the possibility of judicial review which is provided for in the termination.

Section 10. New bringing of an accused in pre-trial phase

In order to fully and thoroughly explore the topic of the dissertation, Section 10 of the dissertation clarifies the new bringing of an accused in the light of the concept of „bringing to criminal liability' in the sense of criminal procedure. It is concluded from the provisions of Article 225 of the Criminal Procedure Code that when a defendant is newly charged, he is not criminally charged again. This is because the charge has already been formulated in fact and in law and the figure of the accused has been constituted in the drawing up of the indictment under Article 219(1) or (2) of the Criminal Procedure Code. When action is taken under Article 225 of the Code, the accused remains the accused and the charge against him continues to exist, the only difference being that the charge is amended to correspond to what has been established by the evidence gathered during the investigation.

In two separate sub-sections, part of this section, an analysis is made of the procedural form of the new indictment and of the content of the acts to carry out this action.

10.1. Procedural form of a new bringing of accused

Article 225 of the Criminal Procedure Code does not contain any specific rules on the manner of re-arraignment. The dissertator concludes that due to the nature and prerequisites of the two forms of bringing an accused in the pre-trial phase, only the first form (Article 219(1) of the Code) may be applied in the new bringing of an accused person by drawing up a new decree by the investigating authority or the prosecutor. The opinion is reflected that the moment the decree is drawn up, the case continues to proceed on the amended charge. In this case, there is no multiplicity of charges for the same act.

10.2. Content of the act of new bringing of accused under Article 225 of the Criminal Procedure Code

In Section 10.2 of Chapter 2 of Chapter 10 of the dissertation, a brief analysis of the content of the act of new bringing of accused under Article 225 of the CPC is made. Attention is drawn to the fact that the CPC does not contain explicit rules concerning the content of the decree to be drawn up when carrying out this procedural action. It is therefore concluded that this gap must be filled by analogy of the law and that when the investigating authority or the prosecutor draws up a decree for a new prosecution under Article 225 CPC, it must have the same content as the decree under Article 219 (1) and (2) of the Criminal Procedure Code, without it being necessary to explicitly state in the decree that the charge is amended under the terms of Article 225 of the Code of Criminal Procedure.

Section 11. Bringing to criminal liability in lawsuits of private character

In Section 11 of Chapter Two of the dissertation is presented bringing to criminal liability in in lawsuits of private character. First of all, the author has examined the applicability of this concept to lawsuits of a private character. Next, the lack of a pre-trial phase and, consequently, the impossibility for cases of a general and private character to contain the **same** institute of the criminal process has been emphasized.

In the following two paragraphs, the possible procedural moments for bringing to criminal liability in cases of private character are analysed in accordance with the current legal framework.

11.1. Filing a complaint with to relevant court of first instance in cases of private character

In the first point of this section, the dissertation analyses the possibility that the moment of bringing to criminal liability in cases of private character, is the filing of the complaint by the victim to the relevant court of first instance. On the basis of the analysis, the author's own opinion is presented that at the time of the referral to the court by the victim with the complaint, only the factual side of the accusation is present and we cannot claim that there is still a completed accusation with factual and legal side. Therefore, it cannot also be held that from that point of time the bringing to criminal liability has been completed.

11.2. Procedural actions of the court in accepting and proceeding with the complaint at the hearing in lawsuits of private character

The second point of this section examines the possibility that the bringing to criminal liability in cases of a private character, takes place by the procedural actions of the court in accepting and proceeding with the complaint in a hearing. Insofar as it is the making of an order by the judge-rapporteur, by which the complaint is admitted, that determines the legal qualification of the act and forms a complete indictment, it is concluded that this is the moment at which bringing to criminal liability in this type of case takes place. The author's opinion that the accused acquires the status of "*defendant*" when the act of the judge-rapporteur is handed down is also stated.

CHAPTER THREE.
Bringing to criminal liability under the special rules of the criminal procedure code

The last chapter of the dissertation focuses on Part Five of the Criminal Procedure Code, which contains the so-called "Special Rules". Due to the task set before the dissertation, the chapter deals only with the special rules, which reveal differences in the implementation of criminal liability, applicable in the pre-trial phase of criminal proceedings. Attention is paid only to the differences from the general criminal procedure.

Section 1. Bringing to criminal liability under Chapter Twenty-four of the Code of Criminal Procedure, "Summary Proceedings".

Section one is an examination of the legal framework provided for in Chapter Twenty-four of the CPC relating to the bringing of an accused. A comparison is made with Article 219 (2) of the Criminal Procedure Code. The theoretical statements in relation to the fiction of bringing an accused under Article 356, paragraph 4 of the Code are examined, and the author has expressed disagreement with this opinion, since it is evident from the legislative framework - again, it is necessary to draw up a corresponding act for the emergence of the figure of the accused .

1.1. Prerequisites for bringing to criminal liability under Chapter Twenty-four, “Rapid Procedure”

The prerequisites outlined by the dissertation for realization of the bringing to liability under the procedure of Article 356, paragraph 4 of the Code are: a *reasonable presumption that a certain person has committed the criminal act; the first investigative action against the person has been carried out; the prerequisites for the termination of criminal proceedings are not present; a competent authority; a proper act.* Reasoned presumption as a prerequisite for bringing to criminal liability is examined in detail.

1.2. Contents of the record under Article 356 (4) of the Criminal Procedure Code

The subject of the study in sub-section 1.2. of the first section of Chapter Three is the content of the act of bringing an accused under Article 356, paragraph 4 of the Code.

Due to the proximity of the legal framework, the author has come to the conclusion that the record of the first investigative action against the person under Article 356 (4) of the Code should contain the same requisites as the record under Article 219(2) of the Code.

1.3. Record, presentation of the indictment and interrogation after indictment

A separate section is devoted to the prosecutor's record on the bringing an accused under the rapid procedure, as well as to the presentation of the indictment and the immediate questioning after it. The dissertation has put forward the view that when an accused is charged under these special rules, report should not be made. The arguments she advances in support of this view are the short time-limits for the completion of the pre-trial phase, and the impossibility of applying the general rules because of the existence of express regulations.

Insofar as Chapter Twenty-four of the Criminal Procedure Code does not contain any special rules on the presentation of the drafted charge and the questioning of the accused immediately thereafter, the general rules must be applied on the basis of Article 361 of the Criminal Procedure Code.

Section 2. Bringing to criminal liability under Chapter Thirty of the Criminal Procedure Code „Special rules for the trial of offences committed by minors’’

Insofar as no limitations are provided for in Chapter Thirtieth, a minor may be held criminally liable under either of the two forms provided for in Article 219 (1) of the Code and Article 219, paragraph 2 of the Code. The author of the work focuses on the only peculiarity of bringing an accused under these special rules, which refers to the condition of a "competent authority" and it stems from

Article 385 of the Code, according to which pre-trial proceedings must be conducted by certain investigative authorities and prosecutors who have special training in the field of children's rights or who have effective access to specialized training. The legal framework related to the presentation of the indictment, the interrogation of the minor and the obligations of the pre-trial proceedings authorities in carrying out these procedural actions is also examined.

Section 3. Bringing to criminal liability under Chapter Thirty "a" of the Code of Criminal Procedure, "Special rules for the trial of offences committed by persons who do not speak Bulgarian".

The legal framework for bringing to criminal liability does not reveal any specifics concerning non-native speakers of Bulgarian. Therefore, the paper reviews only the additional procedural rights for accused who are not fluent in Bulgarian in relation to the charges brought against them at the pre-trial stage - the participation of a defence counsel as well as an interpreter or interpreter in Bulgarian sign language, the provision of a translation of the indictment and the possibility to object to the accuracy of the translation.

Section 4. Bringing to criminal liability under Chapter Thirty-one of the Code of Criminal Procedure, "Special rules for the trial of cases jurisdictional to military courts"

The current regulations under Chapter Thirty-one do not contain special rules on the forms of bringing an accused. For this reason and on the basis of Article 411 of the Criminal Procedure Code, the work states that the general rules should be applied.

The author focuses on the only peculiarity in relation to the prerequisites for bringing an accused person to trial under those special rules, which relates to the condition of 'competent authority'. The authority competent to carry out the procedural action under Article 219 para. (1) or (2) of the Criminal Procedure Code shall be the military prosecutor pursuant to Article 399, para. (1) in conjunction with Article 46 (2)(2) of the CPC and the military investigating authorities - military investigators and military investigating police officers.

Section 5. Bringing to criminal responsibility under Chapter Thirty-one "a" of the Code of Criminal Procedure, "Special rules for the consideration of cases of crimes of a general character committed by the Prosecutor General or his deputy".

The specific features of the rules on the handling of cases of common law offences committed by the public prosecutor or his deputy are numerous. In Section 5 of Chapter Three, the dissertation focuses on the legislature's creation of a special pre-trial body, "Prosecutor for the Investigation of Crimes Committed by the Attorney General or his Deputy" and its jurisdiction.

It is concluded that, in the absence of special rules, both forms of bringing to criminal liability under the general criminal procedure are applicable. A single peculiarity has been pointed out in relation to the conditions for bringing an accused person to trial under those special rules, which relates to the condition 'competent authority'.

The legal provisions relating to the procedural steps to be taken after the indictment of the public prosecutor or his deputy in the pre-trial phase.

CONCLUSION AND SUGGESTIONS FOR IMPROVING THE LEGAL FRAMEWORK

From the in-depth analysis carried out, the dissertator has drawn the conclusion that the criminal procedural concept of "*bringing to criminal liability*" refers to the bringing of an accused in cases of a general character. In cases of a private character, this action is the court's making of an order which initiates the complaint, schedules the case for trial and gives the legal classification of the act.

After studying the legislative framework as well as the case law related to the criminal liability, the research made a number of proposals for improving the legal framework, among the most significant of which the following should be noted:

- The norm of Article 219, paragraph 2 of the Criminal Procedure Code should be abolished and a new legal figure ,,*suspect*", ,,*person implicated*" or „*person under investigation*" should be introduced, which should be constituted at an earlier stage - when there is insufficient evidence within the meaning of Article 219, paragraph 2 of the Criminal Procedure Code, but it is necessary to take action against a person for whom there is evidence that he is a possible perpetrator of the act.

- In the event that the provision of Article 219(2) of the Code is not repealed, the law must expressly and in accordance with the need to provide rights for the person who will participate in the action under Article 219(2) of the Code, provide for the constitution of the accused before the relevant means of proof is taken against him. This could be done by regulating the second form of bringing an accused person in a separate article, which would have the following content ,,*When evidence is gathered that a certain person is guilty of committing a crime of a general nature and some of the grounds for discontinuing criminal proceedings are not present, the investigating authority may bring the person as an accused person* *by drawing up an appropriate decree, in cases where it is necessary to take investigative action against him, which shall be reported to the prosecutor.* " In the following paragraph, in order not to frustrate the action of collecting and verifying evidence, the lawmaker should provide that, after the decree is drawn up and before the action is taken, the person shall be informed of the charge against him and his rights shall be explained to him. It is only after the means of proof has been carried out that the accused and his defence counsel are presented with the indictment - when they can acquaint themselves in detail with the decree and the accused person is given a copy of it against his signature, after which they proceed to interrogation in accordance with Article 221 of the Criminal Procedure Code.

- the rights under Article 47, Article 53 and Article 96 of the Criminal Procedure Code to be included in the mandatory content of the acts under consideration, alongside those under Article 55 of the Code of Criminal Procedure, as rights of fundamental importance in the pre-trial phase, but also throughout the criminal proceedings.

- The lawmaker should provide for an obligation to submit not only the decree but also the record under Article 219(2) of the Code. Article 219 of the Criminal Procedure Code could be entitled ,,*Arraignment of the accused and presentation of the* charges', and the norm of Article 219(4) of the Code of Criminal Procedure should be edited to the same effect.

- The lawmaker should take into account the existing two forms of bringing an accused and Article 221 of the Code should be amended accordingly in order to avoid the danger of incorrect interpretation and application of the norm. Article 221 of the Criminal Procedure Code could specify, in addition to the decree, the report referred to in Article 219(2) of the Code of Criminal Procedure, and could also replace '*after presentation of the decree* *for bringing an accused person*...' with '*after presentation of the act for bringing an accused person...*'.

III. THE AUTHOR'S PUBLICATIONS ON THE SUBJECT OF THE DISSERTATION

1. **Simeonova, M.,** Requisites of the acts for putting a person under invenstigation In: Proceedings of an International Scientific Conference. The Law of the XXI Century - Challenges and Perspectives", vol. 2; University Press ,,Paisii Hilendarski", 2023, ISBN 978 - 619- 202-904-3, pp. 294-307;

2. **Simeonova, M.,** Bringing charges in the pre-trial phase - historical development of the Bulgarian legal regulation In: Collection "Revolutions and Evolutions", University Press ,,Paisii Hilendarski" (accepted for publication);

3. **Dzaneva, M.,** The concept of “bringing to criminal responsibility” in the Bulgarian criminal process; Journal STUDIA JURIS- Number 2 - 2025 Online-ISSN: 2367-5314, 14 30.