

R E V I E W

by Prof. Georgi Ivanov Mitov, D. Sc.

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for the defense of a dissertation of Maria Atanasova Dzaneva, full-time doctoral
student at the Department of Criminal Law Sciences at the Faculty of Law of
Plovdiv University "Paisii Hilendarski"
on the topic "Constitution of an Accused Party"
for the award of the educational and scientific degree "Doctor"
in the scientific field: 3. Social, Economic, and Legal Sciences,
professional direction 3.6. Law, scientific specialty Criminal Procedure

Dear members of the scientific jury,

At the first meeting of the Scientific Jury, I was tasked with preparing a
review, which I am now presenting to you.

INFORMATION ABOUT THE DISSERTANT

Maria Atanasova Dzaneva graduated in Law in 2020 from the Faculty of
Law at Plovdiv University "Paisii Hilendarski" and obtained a master's degree.

In 2022, she was appointed as an assistant at Plovdiv University "Paisii
Hilendarski."

Since 2022, Maria Dzhaneva has been registered as a lawyer with the
Plovdiv Bar Association.

INFORMATION ABOUT THE DOCTORAL PROGRAM

Maria Dzaneva has successfully passed all exams in the curriculum. All requirements for doctoral students have been met – the final version of the dissertation has been discussed at a department meeting, which has received a positive assessment and the right to open a procedure for public defense. The scientific jury to evaluate the work and conduct the defense was selected by the Faculty Council of the Faculty of Law at the suggestion of the Department of Criminal Law and was appointed by Order No. RD 21-1682/17.07.2025 of the Rector of Plovdiv University "Paisii Hilendarski".

No violations were found in the procedure for the completion of the dissertation and the public defense.

INFORMATION ABOUT THE DISSERTATION AND ABSTRACT

The dissertation is 211 pages long. It is structured as follows: title page, table of contents, list of abbreviations, introduction, three chapters, conclusion, and bibliography. There are 326 footnotes. Forty-nine sources in Bulgarian, Russian, and English are cited. All titles are cited in the dissertation.

Maria Dzhanева's work is the result of purposeful and independent work and is original. It meets the requirements for a dissertation for the award of the educational and scientific degree of "doctor." The abstract presented meets the regulatory requirements and accurately represents the reviewed work. On the topic of the dissertation—attracting criminal liability—research has been conducted in criminal law literature to date, but it has covered only certain aspects of the issue and individual its manifestations. Therefore, the work represents the first comprehensive study of the issue in question and thus contributes to the development of this important theoretical criminal procedure problem. This can be cited as an independent contribution of the reviewed work.

In the introduction, the author motivates the relevance of the issue, his scientific interest in the topic, outlines the scientific tasks of the study, and provides a brief summary of the work.

Chapter One is fundamental and theoretical in nature, clarifying the basic concepts used in the subject matter in the various laws and practices of the Bulgarian courts and the European Court of Human Rights. Based on an analysis of the literature and case law, the author clarifies the content and main characteristics of the concepts of criminal liability and criminal prosecution used in the Constitution of the Republic of Bulgaria, the Penal Code, the Penal

Procedure Code, and the case law on criminal cases of the Bulgarian courts and the practice of the Constitutional Court of the Republic of Bulgaria, as well as the charge of committing a crime within the meaning of the Law on the Liability of the State and Municipalities for Damages. This allows him to compare the concept of criminal liability with other related concepts used in various laws and court practice, including the practice of the European Court of Human Rights. This can be considered a separate contribution to the study in view of the detailed distinction between the individual concepts used in the subject matter under consideration and the indication of their specific features.

The second chapter is essential for the analysis of the tasks set and is devoted to criminal liability under the general rules of the Penal Procedure Code (as opposed to the specifics of this action in the differentiated proceedings discussed in Chapter Three). The author begins with a brief historical overview of the bringing of charges against defendants under repealed laws, which is of cognitive importance.

An important aspect of the study is the development of the prerequisites for bringing charges against a defendant (Art. 219, paras. 1 and 2 of the Penal Procedure Code). Based on the case law examined, the author clarifies the content of sufficient evidence for bringing charges against a person (Art. 219, para. 1 of the Penal Procedure Code), which is useful for practice and can be cited as an independent contribution. The thesis rightly criticises the provision of Article 219(2) of the Penal Procedure Code as an alternative form of bringing charges against a defendant and points out the shortcomings of the current wording, which make it inapplicable in practice. It innovatively proposes the creation of a new procedural figure in this case, suggesting that it be called "suspect," "person under investigation," "accused person," or something else. The author does not elaborate on details related to the new figure (the time frame of its existence, the connection with the possible bringing of charges against this person, and others), but refers them to the legislator for future regulation, which reduces the value of this proposal. Whether this permission is appropriate in view of the overall model of criminal liability and guaranteeing the rights of this person is a separate issue.

Significant attention is paid to immunity as an obstacle to bringing charges against a defendant. Various scenarios involving persons with immunity (members of parliament, constitutional judges, candidates for parliament) and the procedural implications of bringing charges against them are examined with regard to the moment of occurrence and the possibility of waiving immunity.

Attention is paid to the acts of bringing a defendant to trial, and their content is clarified. The development of the requisites of the acts of bringing a defendant

to trial and the division of their mandatory and optional content is useful for practice.

The dissertation examines the procedural order for bringing charges against a defendant under both forms of Article 219 of the Penal Procedure Code and clarifies controversial issues in practice related to the subsequent actions after the charges are brought (presentation of the indictment, interrogation of the defendant, new bringing in for questioning, etc.), as well as the bringing in of an absent accused. The control over this procedural action is also analyzed.

A separate section of the study is devoted to the bringing in for criminal liability for crimes of a private nature and the specifics of this category of cases.

The third chapter examines the bringing of charges against an accused under the Special Rules of the Penal Procedure Code. The specific features of bringing charges in summary proceedings are examined; in cases involving crimes committed by minors; in cases involving crimes committed by persons who do not speak Bulgarian; in cases subject to military courts; and in cases involving crimes of a general nature committed by the chief prosecutor or his deputy.

The conclusion summarizes the findings of the study and sets out proposals *de lege ferenda* on the subject matter under consideration.

SCIENTIFIC CONTRIBUTIONS

I agree with the scientific contributions mentioned by the author in the abstract. In addition to the specific contributions mentioned above, several more general ones can be added:

The merit and value of this work lies in the relevance and complexity of the scientific research of the issues under consideration, which can be distinguished as a separate contribution. The author seeks practical aspects in the implementation of the institutions under consideration. This makes the work practical and useful.

The doctoral candidate provides the first comprehensive analysis of the institution of criminal liability in our criminal procedure literature. This makes the study useful for a wide range of readers – researchers, practicing lawyers, and others. This feature also makes it relevant, given the lack of similar comprehensive studies in the doctrine of criminal procedural law.

The results of the scientific research are systematized in proposals de lege ferenda, some of which can be shared, while others will provoke discussion or disagreement.

In this work, the author examines issues of criminal procedural law that are significant and important for theory and practice by analyzing the theory and case law of Bulgarian courts and the European Court of Human Rights. The author presents convincing arguments in support of the positions taken and refutes the criticised opinions in a tone appropriate to academic debate. The theses put forward are well-founded and express the author's position. The bibliographical sources are correctly cited.

With this dissertation, Maria Dzaneva demonstrates her ability to work with various literary sources and judicial practice. The research proves her good theoretical preparation and independence in developing significant theoretical problems.

The work is readable, well-structured, and easy to use. It is written in good legal language.

PUBLICATIONS AND PARTICIPATION IN SCIENTIFIC FORUMS

Maria Atanasova Dzaneva has three publications on the topic of her dissertation, according to the information provided:

1. Content of the acts for bringing charges against a defendant. – In: Collection of reports from an international scientific conference. Law in the 21st century – challenges and prospects. Vol. 2, Paisii Hilendarski University Press, 2023, ISBN 978 – 619- 202-904-3, 294-307;

2. Bringing a defendant to trial – historical development of Bulgarian legislation. – In: Collection "Revolutions and Evolutions," Paisii Hilendarski University Press (accepted for publication) and

3. The concept of "bringing to criminal responsibility" in Bulgarian criminal proceedings. – In: STUDIA IURIS, No. 2, 2025, online-ISSN: 2367-5314, 1430.

CONCLUSION

Based on the above, I consider that the presented dissertation on the topic "Attracting Criminal Liability" meets all the requirements specified in the Law on the Development of Academic Staff in the Republic of Bulgaria, its implementing regulations, and the Regulations for the Development of Academic Staff at Plovdiv University "Paisii Hilendarski" regarding the awarding of the educational and scientific degree of "doctor."

Therefore, I give a positive assessment and strongly recommend that the distinguished scientific jury decide to award Maria Atanasova Zaneva the educational and scientific degree of "Doctor of Law."

Reviewer:

Prof. Georgi Mitov, D. Sc.

01.10.2025