

REVIEW

by Prof. Gergana Marinova, PhD,

member of the scientific jury in the competition for the academic position of “professor” in professional field 3.6. Law (Criminal Proceedings) proclaimed by the University of Plovdiv “Paisii Hilendarski” (SG No 96/11.11.2025) for the needs of the Faculty of Law

The University of Plovdiv has launched a competition to fill the academic position of “professor” in professional field 3.6. Law (Criminal Proceedings) at the Faculty of Law. By Order № RD-22-42/09.01.2026 of the Rector of the University of Plovdiv, I was appointed a member of the scientific jury for conducting the competition.

The only candidate in the competition is **Assoc. Prof. Dr. Ekaterina Salkova Gegova.**

At its first meeting, the scientific jury found that **the candidate meets the minimum national requirements** for holding the academic position of professor. The jury also decided to submit a review on the candidate's scientific publications.

Applicant details

Prof. Dr. Ekaterina Salkova holds a Master’s degree in Law from the University of Sofia “St. Kliment Ohridski” (2000). Her academic career began immediately after graduating from the University at the Institute of Legal Studies (now the Institute of State and Law) at the Bulgarian Academy of Sciences, where she defended her doctoral dissertation (2006) and successively passed through all scientific ranks (academic positions) from Research Fellow III to Associate

Professor. For many years she has been Head of the Department of Criminal Sciences at the Institute. In parallel with her scientific career, she worked as a legal adviser in the administration of the Bulgarian Academy of Sciences, an expert at the Parliamentary Committee on Legal Affairs, a member and chairman of the Standing Committee on Social and Legal Sciences, Security and Defence at the NEAA. She has participated in numerous projects and working groups, and I would especially like to point out her expert work on numerous bills of the Ministry of Justice. She has been a part-time assistant at the University of Sofia “St. Kliment Ohridski” and at the UNWE. From 2016 to 2019 she was Associate Professor of Criminal Procedure at the University of Ruse, and from 2019 to the present - at the University of Plovdiv.

Assoc. Salkova is a recognizable and respected scientist, lecturer and expert in criminal proceedings. I have had the pleasure of working with her since she joined the Institute for State and Law in 2001. And I use the expression ‘I have the pleasure’ not as a cliché, but in its full sense, because she is a well-meaning, responsible, competent, principled and generally reliable colleague.

Evaluation of scientific publications

Associate Professor Ekaterina Salkova participated in the competition with **monographs and 24 other publications – studies, articles and reports.**

The monograph “Current Issues of Criminal Procedural Functions”, Plovdiv, “Paisii Hilendarski” University Publishing House, 2026, 187 pp. includes an introduction, three chapters, a conclusion and an impressive 14-page bibliography with titles in Bulgarian, Russian and Western languages.

The introduction justifies the choice and relevance of the topic of criminal procedural functions. Chapter one is devoted to the leadership and decision-making function in the criminal process. Chapter Two deals with the two opposing

functions of prosecution and defence. Chapter 3 deals with the two additional functions relating to the handling of a civil claim in criminal proceedings. The conclusion summarizes the main conclusions and the proposals made to improve the legislation.

The term ‘criminal procedural function’ is not legal. It is not usually used in practice either. However, criminal procedural functions occupy an important place in Bulgarian doctrine, predetermined to a large extent by the monograph by Acad. Pavlov “Problems of Basic Functions in the Socialist Criminal Process”, published in 1966. They have an invariable place in all textbooks on criminal proceedings. From the substantiation and clarification of them by Acad. Pavlov in the above monograph functions have not been the subject of a comprehensive study. As rightly pointed out by Assoc. Salkova, however, the legal framework for the handling and resolution of criminal cases today is significantly changed compared to that of the 1960s. This confronts the legal science with the need to rethink and re-evaluate the functions, if it wishes to continue using them in order to explain through them the penal process and its various institutes and figures. It is precisely this difficult task that Assoc. Salkova has taken on. It poses a serious challenge because it encroaches, on the one hand, on situations fundamental to the science of criminal procedure and, on the other hand, on situations which, for 80 years, almost no one has questioned. The choice of this topic is an expression of the scientific self-confidence of Assoc. Salkova, and the way it was developed, is proof of her scientific maturity and that her self-confidence is fully justified. It is correct that her approach does not look at functions in detail, repeating the well-known things it does not dispute, but focuses only on current issues that change the view of functions. The conclusions that in the modern criminal process there are two more functions – investigative and the function of legal defence - are quite correct and of contributing importance. Clarification of the content and direction of these

functions, as well as the arguments with which this is done, are also correct and to be considered. In particular, I would like to emphasise the thesis and arguments that the function exercised by the court in the pre-trial proceedings should be defined precisely as a defence function and not as a review function.

Interesting and relevant is the way in which the indictment function is dealt with. For the first time, its content has been clarified by also taking into account so-called ‘private-public’ and ‘public-private’ offences. Consideration of the indictment function as such, covering the activity of prosecuting, proving, upholding and substantiating the indictment, is also made for the first time, leading to a more detailed and clearer presentation of the content of that function and is of contributing importance. Very useful for theory and practice is the summary of the theoretical views and pronouncements of the Constitutional Court interpreting the concept of “prosecution”. I fully agree with the view that the initiation of criminal proceedings, the exercise of the function of indictment in the trial is also initiated and that, in that sense, criminal proceedings are synonymous with indictment. Assoc. Salkova hasn’t evaded the difficult issues surrounding the interpretation and application of Article 219(2) of the CPC and the conformity of Bulgarian legislation and practice with the ECHR and the European directives on the rights of accused and suspected persons. It is also correct to conclude that there is no full correspondence and introducing the figure of the suspect would solve the existing problems.

The analysis of the newly introduced figure of the legal person concerned is essential. As a member of the working group at the Ministry of Justice, which developed the relevant amendments to the Code of Criminal Procedure, Assoc. Salkova has a valuable ‘inside view’ of the reasons that led to the introduction of this figure and of the discussions that accompanied its introduction. Her arguments

that the legal person concerned is a subject of criminal proceedings exercising the protective function are both relevant and convincing.

Her reflections on the necessity, significance, positive and negative sides of admitting a civil action in criminal proceedings, and hence on the existence and content of the two additional functions related to the civil action, are valuable and of contributing importance. I accept her arguments that these are two independent, albeit additional functions, and not a manifestation of the basic functions of prosecution and defence.

This, of course, does not exhaust the contributions of the peer-reviewed work, but all of them cannot be mentioned in one review. In addition, I would like to explicitly mention, among the contribution points made by Assoc. Salkova, the *de lege ferenda* offers. We usually say that they have a practical-applied nature and directly benefit the legislator, which is the case. But, in my opinion, any such proposal can also be a source of interesting scientific discussion and give new directions to the theoretical understanding of the legal framework.

Despite the strict legal style of the monograph, it is read extremely lightly. The theses are clearly expressed, probably because they are the result of her many years of reflection. Their argumentation is also very clear and well structured. Assoc. Salkova states a different position on questions deeply rooted in the legal thinking of Bulgarian lawyers, making it not only convincing, but also collegial and benevolent towards the established views and their authors. The discussion is conducted with respect to the different opinions and in general to the authors whose writings are referred to. The footnotes and the cited works are impressive in volume, which is evidence of her serious attitude to the topic, but also to legal science in general.

Assoc. Salkova has submitted 24 more publications for participation in the competition: 6 studies, of which 5 in co-authorship and 1 in English, and 18 articles

and reports, of which 9 in co-authorship and 2 in foreign language. I will allow myself to mention only the titles (the full bibliographic description of the publications is available in the annotation prepared by her, available on the Internet on the website of the University of Plovdiv), because they are indicative of the diverse interests of Assoc. Salkova in the field of criminal procedure and related legal sciences (criminal law, criminology):

1. Continuing crime – origin, development and prospects;
2. The Institute of Poems in the Bulgarian Criminal Procedure (co-authored);
3. Elimination of the criminality of active bribery under Art. 306 of the Criminal Code (in co-authorship);
4. The maximum duration of pre-trial detention and house arrest measures in criminal matters (co-authorship);
5. Legal consequences of infringements of the provisions on procedural time limits in criminal cases against minors (co-authorship);
6. Bulgaria: the EAW, EIO and Regulation 1805/2018 in the Bulgarian Legislation and Case Law (co-authored);
7. Assessing evidence in criminal proceedings – a challenge for the introduction of the European Investigation Order;
8. The right to an effective remedy for protection and criminal proceedings as a means of protecting material rights;
9. For the (in)effectiveness of criminal justice.
10. Examination of the civil claim in the criminal proceedings;
11. Inconsistencies of specific legal norms with principles of criminal procedure (in co-authorship);
12. Human Rights in the Context of Counter-terrorism (co-authored)

13. Věk trestní odpovědnosti a prevence kriminality mládeže (in co-authorship) – I refer to this publication for completeness, but unfortunately I cannot review it (for purely linguistic reasons);
14. Return of the case by the court at the pre-trial stage of the criminal trial;
15. Procedures for the liability of juvenile perpetrators of socially dangerous acts and their preventive importance for the growth of crime (in co-authorship);
16. The sustainable development of the academic staff and the ongoing reform of its legal regulation – as far as the topic of the article is outside the subject of criminal sciences, it remains outside the scope of this review;
17. Voluntary and immediate notification of active bribery as requirements for the elimination of criminality under Article 306 of the Criminal Code (in co-authorship);
18. The power of the criminal court to impose an administrative penalty (in co-authorship);
19. The notion of an illegitimate judicial panel in criminal proceedings;
20. Manifestation of the principle of hearing and resolving cases within a reasonable time in criminal cases against minors (in co-authorship);
21. The legislative concept of investigative bodies. Ministry of Interior 2030: challenges to security policies;
22. Victim of crime and victim of crime – the relationship between substantive and procedural criminal law (in co-authorship);
23. Constructing the composition of the crime through administrative prejudicing (in co-authorship);
24. Special features in the investigation of document crimes.

It is evident from these titles, Assoc. Salkova feels equally comfortable writing on current procedural issues such as: the power of the criminal court to impose an administrative penalty, the return of the case from the court to the pre-trial stage, the challenges to the introduction of the European Investigation Order, and to address fundamental and classical issues such as: criminal process principles and civil action in criminal proceedings. She has a well-founded self-confidence to write also on matters of substantive criminal law – continuing crime, active bribery, and criminology. All these studies, articles and reports are written thoroughly, in good faith, interestingly, they all contain specific contributions (mentioned in the annotation, which I fully accept) and are beneficial for both legal doctrine and case-law. They have become known and have had their influence on a wide range of readers, which is evidenced by the fact that they have been quoted more than 150 times.

In conclusion and in view of the above, I believe that Prof. **Dr. Ekaterina Salkova Getova** meets all the requirements of the **Academic Staff Development Act, the Regulations for the implementation of the Law on the Development of Academic Staff in the Republic of Bulgaria and the relevant Rules of Procedure of the University of Plovdiv “Paisii Hilendarski”** for holding the academic position of **Professor of Criminal Procedure at the Faculty of Law of the University of Plovdiv “Paisii Hilendarski”**. Therefore, I strongly suggest to the scientific jury to propose to the FCoF of the University that she be elected to this position.

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Prof. G. Marinova, PhD