

OPINION STATEMENT

of Prof. Plamen Aleksandrov Panayotov, PhD

on the thesis paper on the following topic: **“Crimes Against Marriage and Family”** by Lidiya Lachezarova Peneva-Stoilova for awarding a doctoral degree in higher education field 3. Social, economic and legal studies, professional orientation: 3.6. Law, specialty: Criminal Law

The presented thesis paper has a total volume of 276 pages and is composed of an introduction, three chapters and a conclusion. The paper also contains a list of abbreviations used and references.

First of all, it needs to be noted that the PhD student Lidiya Peneva has made a systematic and in-depth analysis of the group of crimes discussed – the ones related to premarital, marital and family relationships. These are discussed according to Section I of Chapter Four of the particulars of the Bulgarian Criminal Code. The relevance of the research is predetermined by the prominent attempt to identify the problems in the interpretation and application of these provisions, including their amendments and supplements introduced in 2019. The results achieved are further supported by a well-selected system of methods of research – historical overview, comparative review of law, legal rationing, etc. The paper contains a historical analysis of the development of the legal framework concerning crimes against marriage and family according to Bulgarian criminal law. At the same time, the thesis paper is distinguished by a comprehensive comparative legal analysis of the provisions of criminal law in the discussed field in a number of countries. These are not just the countries the legislation of which is subject to particular analysis in chapter three of the thesis paper, i.e. Germany, Greece, France, Russia and the USA, but many others as well, with specifics of

their legislation highlighted throughout the study, such as Denmark, Estonia, Lithuania, the Netherlands, Poland, Slovenia, Hungary, the Czech Republic, etc. The analysis of a significant volume of case law on the problems discussed, such as case law of the Supreme Court of Cassation, regional and district courts and courts of appeal, as well as the European Court of Human Rights, also contributes to the value of the entire study.

The successful achievement of the thesis paper objectives is also supported by the combination of the author's in-depth theoretical knowledge as a result of her systematic participation in different forms of post-graduate studies on the one hand, and her practical experience as a legal advisor, assistant notary public and, since 2021, a legal secretary in a regional court, on the other.

Lidiya Peneva is the author of four academic publications on the topic discussed in the thesis paper.

The study is also distinguished by its specific contributions to science, some of the most significant of which are as follows:

- Analysis of sources not only from domestic law, but also from international law and EU law relevant to the topic.

- The specifics of all offences that are part of the types of crimes discussed have been clarified.

- The possibility for committing the combined crimes under Art. 176, paragraph 1 and Art. 313, paragraph 1 of the Criminal Code is justified.

- The relationship between the offences of the crimes under Art. 177, paragraph 1 and Art. 143, paragraph 1 of the Criminal Code is clarified.

- There is justified criticism on the formulation of the provisions under Art. 177, paragraph 3 and 4, which gives rise to reasons for misunderstandings in their interpretation and application.

- The offences of the crimes under Art. 136-141 of the Criminal Code (the offences of exposure to danger) and the offence of the crime under Art. 181 of the Criminal Code have been compared.

- The need for an extended positive framework in the field of surrogacy has been justified. There needs to be such a legal framework present in order to be able to envisage consequences under criminal law in the case of violation.

- Based on the conclusions made in the course of the study, certain well-grounded proposals *de lege ferenda* have been made. Among them, the ones which, upon adoption, would decriminalise violations of a relatively lower level of public danger also need to be supported.

Considering the general merits and specific contributions of the thesis paper discussed above, I would like to recommend its publishing. The following recommendation could be taken into account during the preparation of the work for publishing for the purpose of greater precision: the title of Chapter Three needs to correspond to the main contents of the work – this chapter does not analyse the international legal framework in the field of criminal law (no sources from international law are discussed), but analyses the criminal law in this field of some countries.

CONCLUSION

Based on the foregoing, I believe the proposed thesis paper on the topic “Crimes Against Marriage and Family” meets all the requirements under the Law on Academic Staff Development in the Republic of Bulgaria and therefore I

would like to give my positive evaluation and propose to award a doctoral degree to Lidiya Lachezarova Peneva-Stoilova.

City of Sofia

Author of opinion:

July 2023

(Prof. Plamen Aleksandrov Panayotov, PhD)