

NEW BULGARIAN UNIVERSITY

OPINION

of Prof. Veselin VUCHKOV, PhD,
member of the Scientific Jury for the procedure for awarding the
doctoral degree announced in New Bulgarian University
under the doctoral programme in “Criminal Law”,
professional orientation: 3.6. Law,
higher education field: 3. Social, economic and legal studies;
in accordance with Order No. 3-PK-279/11. 07. 2023 of the rector of
New Bulgarian University – Prof. Pl. Doynov, PhD

Author of the opinion: Prof. Veselin Borislavov Vuchkov, PhD

Candidate: Lidiya Lachezarova Peneva-Stoilova

I. Short biography of the candidate

The PhD student Lidiya Lachezarova Peneva-Stoilova is a Master in Law of New Bulgarian University (2016). She also has another degree: Bachelor in Biology of Sofia University “St. Kl. Ohridski” (2015).

She currently works as a legal secretary in Pernik Regional Court (since April 2021). She used to be an assistant notary public before that.

The thesis paper has been written in the context of independent form of study from year 2017 until now and focuses on public defence based on the procedure envisaged in the primary and secondary legislation.

The PhD student has been given academic guidance from Prof. Rumen Vladimirov, PhD.

II. General characteristics and structure of the thesis paper

The title of the thesis paper is: “Crimes Against Marriage And Family”.

The paper presented is organised into *three chapters* and also contains an *introduction* and a *conclusion*, as well as *list of references (bibliography)*. A *declaration of originality* has also been presented.

The total volume of the thesis paper is 276 pages.

Chapter one of the thesis paper is entitled “Historical Overview Of The Crimes Against Marriage And Family In Bulgaria”.

Chapter two is dedicated to the general characteristics and systematic features of these types of criminal deeds based on the Bulgarian material criminal law and *chapter three* focuses on the international legal framework in the field of criminal law about crimes against marriage and family.

The structure of the thesis paper is a good one – this is practically the classical form of work on a thesis paper.

III. Relevance and significance

The *relevance* and *significance* of the thesis paper are indisputable.

Why is it *relevant*? – The topic about marriage and family is a topic relevant to and studied by multiple disciplines, including different branches of law. At the same time, the topic is also dynamic, reflecting primarily national and customary traditions, religious beliefs and predominant public perceptions during a specific historical time. In this regard, the situation in the Republic of Bulgaria is not an isolated phenomenon, even more so because of its accession to the Council of Europe in 1992 and to the European Union in 2007, which are organisations showing continuous interest in the topic at issue through legal instruments with diverse scope and content.

The topic is also *significant* – it is certainly pertinent (either permanently or episodically) to the wide public opinion, while national legislations act according to the relevant mechanism.

The author of the thesis paper has managed to highlight the relevance and significance of the topic studied.

IV. Main contributions (scientific and scientifically applied) and results: characteristics and evaluation

In my opinion, the doctoral student has given *two* significant *contributions* with her thesis paper:

First, the contribution of the part dedicated to the historical development of the institutes of criminal law defence of marriage and family in the Bulgarian context is predominant (in my opinion) (primarily in Chapter one). I usually read such parts of thesis papers or monograph studies very carefully and encourage doctoral students to include such types of texts in their papers. The topic here, however, is really favourable, and the doctoral student Ms. Peneva has managed to beautifully deal with the challenge. The historical trend has been well noted: The Ottoman Empire Criminal Law of 1858 (derived from Napoleon's Criminal Code of 1810), through the first Bulgarian Criminal Law of 1896, which was then followed by the second Bulgarian Criminal Law of 1951, all the way up to the current legislation. It is well-noted that the Ottoman Criminal Law does not have a special chapter dedicated to such type of criminal violations; however, this has not prevented the doctoral student from making successful analogies with later texts of the Bulgarian acts. This is a difficult thing, but the result shows it has been achieved. Furthermore, Ms. Peneva also makes some retrospective analyses: she even mentions the customs of Christian peoples under Ottoman rule when analysing the topic about entering into matrimony. The significance of the Statute of the Bulgarian Exarchate also stands out. The structure of penalties for the respective crimes is also presented schematically (some of the penalties are not known in today's context). Special attention has been paid to the relevant provisions of the Criminal Code during the Bulgarian Principality of 1896 – the different offences against marriage and family have been analysed very thoroughly. The author has developed a complete material legal characterisation in this regard. This also applies to the Criminal Law of 1951 and also to today's legislation reflected in the Criminal Code of

1968. The draft new Criminal Code approved by the government in 2014, which failed to gain the necessary professional, political and public support to become part of the legal world, has not been excluded either. *I would like to emphasise once again the skills and scientific contribution of the doctoral student in this part of the text: the impact of the predominant public perceptions, the relevant constitutional provisions, etc. on the legislation and the resulting case law have been carefully evaluated.*

Secondly, another contribution is the part of the thesis paper that focuses on the significance of international legal instruments in national legislation when resolving the matter about the defence of marriage and family under criminal law. This also applies to the positive significance of the legislation of other countries when certain revisions of Bulgarian acts in the criminal law field need to be undertaken. For instance, the thesis paper analyses the legislation of Germany, France, Greece, England, the USA and Russia. All this is an essential basis to make a detailed analysis of the different offences under the Bulgarian Criminal Code of 1968. The author has discussed the different institutes and crimes through the prism of bordering legal branches, which is inevitable. The text is comprehensive – both with respect to the presentation of the varieties of the crimes mentions and with respect to the presence of in-depth arguments.

The critical overview on the institutes, the use of specific case law (albeit not that much), the clearly formulated notes and conclusions and the suggestions for future changes in legislation are impressive.

Based on the foregoing, I believe *the author of the thesis paper possesses in-depth theoretical knowledge in the relevant field and indisputable capability to make an independent scientific research; the paper contains both scientific and scientifically applied results, which constitute an original contribution to science.*

V. Evaluation of publications and authorship

The author presents *five publications* on the topic of the thesis paper (four articles and one report). I acknowledge that all five publications are relevant. The publications prove the research skills of the doctoral student, they contribute to the achievement of the thesis paper objectives and represent the personal work done by the author. The journals where the articles and reports are published are not categorised as “peer reviewed”, “indexed”, etc. I have no information about their citation by other authors. The journals are reputable: journals of the “Law” Department of New Bulgarian University, etc.

The *abstract* makes a comprehensive and truthful reflection of the structure and content of the thesis paper. Its volume is 31 pages.

VI. Bibliographical research and competence

The *sources* listed in the references have been properly and correctly cited in the text of the thesis paper. 144 reference units in Cyrillic and Latin alphabet have been used. Of course, internet resources have also been used.

There are 417 *references* in footnotes. All this shows the doctoral student’s significant knowledge of information.

VII. Critical remarks and recommendations

I would only like to recommend the following: to remove the legal instruments from the list of references. Probably, a neater presentation of the internet resources used would be beneficial for future publication of the thesis paper drafted.

VIII. Conclusion

Based on the positive evaluation of the thesis paper presented and also considering the solid professional experience and expertise of the candidate, I confidently formulate my *favourable opinion* and recommendations to the Scientific Jury to vote for awarding a doctoral degree to the candidate.

1 August 2023
city of Sofia

Member of the jury:
/Prof. V. Vuchkov, PhD/