

## **OPINION**

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Scientific specialty: Associate Professor in the field of higher education 3.  
Social, economic and legal sciences, professional direction 3.6. Law (Theory of  
State and Law)

regarding the dissertation work of Aleksandar Velinov Angelov  
on the subject: "*Structure, Organization and Procedural Foundations of First-  
instance Civil Justice in Bulgaria from 1878 to 1948 and Comparison with the  
Current Regulations*"

submitted for the acquisition of educational and scientific degree "Doctor" in scientific field  
3. "Social, economic and legal sciences", professional direction 3.6. "Law", scientific  
specialty "History of the State and Law"

I present this opinion on the basis of Order No. 3-PK-83/09.01.2023 of the Rector of New  
Bulgarian University.

In accordance with the requirements of Act on the Development of the Academic Staff in  
Republic of Bulgaria and Regulations on the implementation of the Act on the Development  
of the Academic Staff in Republic of Bulgaria for the acquisition of the scientific degree  
"Doctor" before the scientific jury, the candidate has presented a dissertation work and 3  
scientific publications in Bulgarian. The dissertation corresponds to the formal requirements  
provided for in Art. 27, para. 2 of the Regulations on the implementation of the Act on the  
Development of the Academic Staff in Republic of Bulgaria.

### **1. Relevance and significance of the developed scientific problem**

The presented dissertation examines the development of first-instance civil justice in Bulgaria  
in the period from 1878 to 1948, making a comparison between the legal framework in force  
during that period and the current legislation. The scientific problem under consideration is  
relevant and significant, since, based on the comparison made, the doctoral student aims to  
reach conclusions regarding the possible applicable solutions in the field of modern civil  
procedural legislation, as well as to make recommendations regarding the optimal structure  
and organization of the courts, which are a prerequisite for the speed and quality of the  
administration of justice.

The relevance and significance of the scientific problem being developed is also related to the  
scope of first-instance civil justice, which affects a large range of proceedings and therefore  
has a significant effect on society. In the process of the research, the author strives not only to  
analyze the current legal framework in a historical context in order to highlight critical  
moments that need to be changed and make recommendations for improving the legislation in  
this area, but also to find an explanation of some legal institutes, which were carried over  
from the time of the origin of the law in the Third Bulgarian State.

### **2. Evaluation of the scientific results and contributions of the dissertation work**

The presented dissertation, which is 340 pages long (including a bibliography), examines the researched matter within the framework of an introduction, three main chapters and a conclusion. In the introductory part, the dissertation student clearly defines the object of his research, namely the legal framework regulating civil proceedings in the period from 1878 to 1948, as well as the Law on the Judiciary and the Civil Procedure Code in force at the time of the preparation of the dissertation. The specific provisions related to the construction of the system of courts and their internal organization, as well as the basic provisions based on the procedural laws, regarding the consideration of first-instance civil proceedings and the related duties of the court are defined as the subject of the study. The author's position should be shared that an innovative moment in Bulgarian legal science is the complex scientific study of the relationship between the development of judicial institutions and the procedural foundations of their activity, presented in the dissertation. The methodology used by the dissertation corresponds to the set goals and objectives.

In the first chapter, the author examined the structure and organization of first-instance civil justice in Bulgaria from 1878 to 1948, presenting the judicial institutions that carried out this activity. Within this chapter, each of the judicial laws in force during that period are analyzed separately. The state of the judicial system in Bulgaria in the initial period after the Liberation, as well as the process of formation of the judicial institutions, is examined.

The analysis presented in the dissertation begins with an overview of the courts that operated during the Russian rule under the Provisional Rules for the Organization of the Judiciary in Bulgaria, approved on August 24, 1878, namely: Courts of Arbitration, General Courts and Special Courts. Attention has been paid to the character of each of them and a justified conclusion has been drawn as to whether it is a typical judicial institution, in view of its functions and composition. For example, the author assumes that arbitration courts cannot be perceived as typical judicial institutions, respectively, as bodies of judicial power, since their competence is limited, and in relation to decision-making bodies, there are basically no requirements for educational qualifications or professional experience, and it is assumed of their authority.

The study continues with a presentation of the system of courts in Bulgaria in accordance with the Law on the Organization of Courts, adopted on May 16, 1880. With the entry into force of this law, the following institutions were created: justices of the peace, district courts, appeals courts and the Supreme Court of Cassation. The structure of each of these institutions is explained, as well as the peculiarities of their internal structure. Information is presented on the practical creation of individual courts by virtue of decrees, as well as the appointment of the first judges in them. Within this part, the author has drawn a parallel between the main court of first instance described by him, according to this initial structure - the justices of the peace, as well as, on the other hand, the regional courts operating at the moment, and the conclusion that the justices of the peace are an analogue of the latter in view of the many similarities between them. The author has presented and analyzed statistical information about the work of the courts from this period.

The first part of the dissertation continues with a systematic structured and in-depth examination of the structure and organization of judicial institutions, based on the subsequent judicial laws, emphasizing the new moments in them. The author analyzes the presented judicial matter, directing attention and drawing conclusions regarding positive and negative aspects in the structure and organization of the judicial bodies.

In the second chapter of the dissertation, entitled "Procedural foundations of first-instance civil justice in Bulgaria in the period 1878 - 1948", the procedural laws regulating the conduct of proceedings in civil cases are chronologically examined. When presenting the normative acts, the author follows a pre-built structure, consistent with the essential procedural stages of the first-instance civil proceedings, which achieves clarity and precision

of the presentation and builds a stable basis for comparative analysis. The author starts from the position that all these issues, looked at individually and in their totality, give their reflection in terms of the workload of judges, which generally affects the speed and quality of justice administration. Based on the analysis of the procedural order by which the courts considered civil proceedings as the first instance at that time, the author makes a comparison with the current procedural laws and reaches conclusions regarding the positive examples found.

The third chapter of the dissertation contains the main conclusions of the scientific research and, based on them, the author's recommendations for improving the current legislation. Within the framework of the third chapter, the author first examined the general courts operating at the time of writing the dissertation, as well as the procedural rules on the basis of which they administer civil justice and made a comparison with the relevant regulations in force in the period 1878 - 1948. After these are presented and argued based on the analysis contained in the research, eight specific proposals for improving the current legislation, substantiated with the aim of increasing the speed and quality of first-instance justice in civil cases. As separate questions for the third chapter of the dissertation, outside of the regulation of the general claim process, the development of the injunction proceedings in Bulgaria and the development of the legislative framework concerning the invitation of the parties to an agreement are considered, which separation is motivated in view of the special importance of the two issues in within the framework of the first-instance proceedings and thereby providing greater practical clarity.

The overall review of the dissertation gives reason to conclude that the candidate has achieved the set goals of the research, and based on the historical, systematic and comparative legal analysis, he has reached conclusions and made recommendations for improving the current legislation in Bulgaria in the researched area . The recommendations made by the author for expanding the functions of judicial assistants, for the need for more precise regulation of local jurisdiction for claims against a borrower (who is a consumer), as well as the introduction of the possibility of issuing a court decision should be specially noted as contributing points. in a civil case in certain cases, without previously having held an open court session. The analysis of the dissertation work contains scientific contributions that are original to science and show the in-depth theoretical and practical preparation of the candidate in the researched field.

### **3. Evaluation of publications on the topic of the dissertation**

The dissertation student has presented three publications related to the topic of the dissertation work, published in specialized scientific publications. Two of the articles were published in the magazine published by the Union of Lawyers in Bulgaria "Society and Law" and one publication - in the proceedings of a scientific conference organized by the Institute for the State and Law at the BAS. The submitted publications meet the requirements for academic publications and have been accepted for publication after a peer review procedure.

### **4. Testimonials**

The presented dissertation work could become a basis for continuing the research in a comparative-legal plan by analyzing the relevant civil procedural legislation and in other national legal systems with a view to finding effective models for the administration of justice in civil cases.

### **5. Conclusion**

In view of the fulfillment of all the legally established requirements for the development and defense of a dissertation for the award of the Doctor of Science, in accordance with the requirements of the Law on Development of Academic Staff in Republic of Bulgaria and the Regulations on the implementation of the Act on the Development of the Academic Staff in Republic of Bulgaria, as well as in view of the qualities of the presented scientific research, I give my positive assessment and propose to the scientific jury to award Alexander Velinov Angelov the scientific and educational degree "Doctor" in the field of higher education 3. "Social, economic and legal sciences", professional direction 3.6. "Law", scientific specialty "History of the State and Law".

Date: 23.02.2023

City of Sofia

The opinion is prepared by:  
Assoc. Prof. Dr. Denitsa Topchiyska