OPINION

by Prof. Dr. Petar Georgiev Bonchovski,

Institute for State and Law at the Bulgarian Academy of Sciences and "Chernorizets Hrabar" Varna Free University, member of the Scientific Jury, appointed by Order No. 3-PK-83 of 01.00.2023 of the Rector of New Bulgarian University, Prof. Ph.D. Plamen Doinov

In connection with an open procedure for the defense of a dissertation work for the acquisition of the educational and scientific degree "Doctor" of Aleksandar Velinov Angelov, a doctoral student of independent training at the NBU, in the doctoral program "History of State and Law", in the professional field 3.6. Law, scientific specialty "History of State and Law"

with subject:

" **Structure, Organization and Procedural Foundations of First-instance Civil Justice in Bulgaria from 1878 to 1948 and Comparison with the Current Regulations** "

1. The procedure

1.1. There are no violations of the requirements of the legislation: the relevant provisions of the Development of the Academic Staff in the Republic of Bulgaria Act, the Regulations for the Implementation of the Development of the Academic Staff in the Republic of Bulgaria Act and the Ordinance on the Development of the Academic Staff of NBU.

1.2. The doctoral student is dismissed with the right of defence. The dissertation project is submitted within the corresponding five-year period. The PhD student has three publications in scientific publications. He has submitted an Author`s Summary.

1.3. There are not known to me and I do not find data of plagiarism. The doctoral student did not attach a declaration of originality. There is no similar requirement in the Ordinance on the Development of Academic Staff of NBU.

2. About the dissertation student

2.1. I do not know the PhD student and have no personal impressions. According to the available biographical data, the doctoral candidate's professional background is closely related to the judiciary and he currently works as a judge.

2.2. It may be noted that this career path is sufficient to provide assistance with the research subject of the dissertation work, namely full access to jurisprudence and a habit of working with the law.

2.3. From the presented text, it can be immediately concluded that the doctoral student is fluent in the details of the legislation in the field of the organization of judicial power and the civil process and has the opportunity to present various practical hypotheses

2.4. These two moments, undoubtedly related to his professional development, are definitely in favor of the dissertation. The style is tight and clear, although to some extent shaped like writing a court decision.

3. Conceptual apparatus. Quotes

3.1. Adequate legal linguistic apparatus is used in the dissertation. Terminology is generally used, consistent with generally accepted requirements. Historically relevant repealed legislation has been used.

3.2. Quotations are relevant and not done as an end in themselves. A rich scientific apparatus was used by national authors. The lack of foreign scientific sources is understandable given the subject of the dissertation.

4. Fulfillment of the dissertation tasks.

4.1. The dissertation has set itself the goal of a comprehensive study of the institutional and judicial foundations of first-instance justice in the defined period in order to compare it with the current regulations and proposals for its improvement. It can be noted that an interesting choice of topic has been made, where a connection is made between history and the present in the relevant field of law. This represents a different approach to the study of the matter and at the same time enables the achievement of the goals set by the author, including

the identification of issues where successful solutions from the past can be borrowed to upgrade our current legislation.

4.2. I consider this approach to be in principle appropriate because it is no secret that the complex reform in the current civil procedural order stepped on the permissions of the Civil Procedure Act. It can be assumed that from the point of view of analysis of historical development and existing law, the doctoral student has succeeded.

4.3. Formulated in this way, the study is without a doubt a monographic character with a clearly defined theoretical center. The paper also has the advantage and disadvantage of being the first study on the subject. The volume is also more than sufficient to accept the monographic value of the PhD project. The work has 340 pages, which also includes a bibliographic reference consisting of 37 editions and 14 normative sources. 250 footnotes have been made, and the quotations are meaningfully connected to the main text and clarify the original source of the relevant opinion or circumstance.

4.4. Structurally, the work is divided into an introduction, three chapters and a conclusion. The first chapter of the dissertation examines judicial issues, focusing on the first-instance judicial institutions operating in the period 1878-1948, their organizational structures, as well as their staffing procedures. Information is presented chronologically and the accompanying analysis is made of the system of courts based on each of the laws that regulate this matter, which were adopted and gave rise to action during the period. In addition to an analysis of the system based on each individual law, at the end of this chapter a summary of the overall development of the judicial system was made, which the author used as preparation for the comparative analysis with the current system, presented in the last part.

4.5. In the second chapter, the research is focused on the procedural aspects of the activity of the first-instance civil courts during the period in question, which aspects the author qualified as the procedural foundations of the administration of justice. As in the previous part, the relevant issues are dealt with here chronologically, going through the legislation based on the Civil Procedure Act 1880, the Civil Procedure Act 1892 and the Act for the civil proceedings of 1930. With the reasoned objective - clarity of the statement and creation of a practical basis for comparison between the regulations, it was approached that the statement is based on a predetermined structure, based on main procedural stages, which are accordingly considered in the action of any subsequent regulation. The chosen approach also led to the division of the second chapter into separate parts, where the historical periods outlined by significant changes in the procedural legislation are affected.

4.6. The third chapter of the dissertation is entitled "Structure, Organization and Procedural Foundations of the First-instance Civil Justice Administration in Bulgaria at the Present Moment and Comparison with the System in the Period 1878 - 1948. Conclusions". In it, the author has tried to make exactly the indicated comparison, in which the approach adopted from the previous two chapters of using an analogous structure of arrangement and thus providing bases for comparison has been applied again. Here, the development of the injunction proceedings and the invitation of the parties to an agreement are considered as separate issues, and this different approach is sufficiently reasoned and achieves greater clarity in the tracking and analysis of the development of the legislation on these relatively independent issues.

4.7. This last part of the dissertation contains a significant amount of analysis, which was made on the basis of the comparison of the current and previous regulations, and an attempt was made to distinguish positive and negative examples, something that was set as the goal of the research itself. On the basis of all this, through logical conclusions, quite a number of proposals for upgrading the current legislative framework have been formed - such as the organization of work in the courts and as the correction of procedural legislation with the ambitious goal of increasing the speed and quality of the administration of justice, which ideas should be accepted as a scientific contribution from the dissertation work.

4.8. As the author himself pointed out in his work, changes in the legislation can only be made after a thorough study of the relevant issues in order to avoid the risk of development in a negative direction, respectively, at least as a basis for future debate, the presented ideas for introduction can serve but additional powers for judicial assistants in the courts, by which they can decide independently on limited matters, correction of provisions of the Code of Civil Procedure, by which the possibility of bad faith exercise of rights is excluded, to be more fully guaranteed the rights of the parties and to generally speed up the proceedings by emphasizing the complex issues of the judicial activity and saving time from unnecessary activities. When considering the matter concerning the order proceedings, ideas are also presented that deserve attention, as they are aimed at ensuring the possibility of the parties to more successfully exercise their procedural rights, as well as saving time, i.e. to speed up the proceedings themselves, which is especially important these days in view of the constant criticism against slow justice.

5. Notes

5.1. The propositions de lege ferenda are relevant and applicable. Including the proposal to the application for the issuance of an execution order to apply a statement of claim and the evidence is in full sync with the current unnecessarily complicated procedure, increasingly resembling a quasi-claim proceeding, which requires legal protection even when the application is prepared and submitted.

5.2. Another issue is that, for example, in EU law there is a modern model of an effective and simple form of writ proceedings, without substantial costs for the parties and taking away from the court's resources, which procedure perhaps better meets the modern requirements for clearing the turnover from disputes . However, the legislator's approach is different.

5.3. The proposal for the possibility of making decisions without holding an open court session can be welcomed, especially in a joint analysis of why the provisions of Art. 376 Civil Procedure Code did not work, nor did an analysis of working models in the common law.

5.4. The possibility of a relaxed standard when evaluating the evidence should perhaps be aimed mainly at the hypotheses of disputed and undisputed administration, which are not a manifestation of administration of justice, and instead of this standard, the standard for issuing administrative acts could be applied. This would save the judges a lot of resources to devote to their actual work.

6. Conclusion

As I have indicated, the study is first in volume and in the value of a monograph. At the same time, the doctoral student did not limit himself to a text that has mainly a commentary value. At the same time, the provisions in force, with which a comparison was made, are poorly formulated, without clear systematics and subject to casuistry. This implies a wide creative scope for scientific research and proposals for changes in legislation.

Taking into account the above, I believe that the dissertation work, according to the requirements of the Law on the Development of the Academic Staff in the Republic of Bulgaria, testifies to the theoretical knowledge of the candidate in the relevant scientific

specialty, sufficient ability for independent scientific research and their transformation into a text that meets the requirements of scientific work according to modern standards.

I share in general the scientific contributions defined in the abstract, as well as find the suggestions de lege ferenda relevant. Therefore, the dissertation project has the necessary qualities and scientific merits of a doctoral dissertation for the acquisition of the educational and scientific degree "Doctor".

*The findings made are grounds **for proposing** to the members of the Scientific Jury **to award** Aleksandar Velinov Angelov the educational and scientific degree "Doctor" in the doctoral program "History of State and Law", in professional field 3.6. "Law", scientific major "History of State and Law"*

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/ Assoc. Prof. Dr. P. Bonchovski/