

## **OPINION**

by Prof. Dr. Tencho Kolev Dundov, lecturer at the Faculty of Law at "St. Kliment Ohridski"  
Sofia University

member of the scientific jury, approved by Order No. 3-PK-83/09.01.2023 of the Rector of  
New Bulgarian University

regarding the dissertation work of **Aleksandar Velinov Angelov**  
on subject

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

for awarding the educational and scientific degree "Doctor"  
in a professional direction 3.6. Law, in doctoral program "History of State and Law".

DEAR MEMBERS OF THE SCIENTIFIC JURY,

This opinion was prepared with a view to the public defense before a scientific jury of the dissertation work presented by the doctoral student Aleksandar Velinov Angelov for the acquisition of the educational and scientific degree "Doctor" in professional direction 3.6. Law, scientific specialty " State and Law History".

The submitted documents correspond to the requirements of the Act on the Development of Academic Staff in Republic of Bulgaria and the Regulations on implementation of the Act on the Development of Academic Staff in Republic of Bulgaria. The procedure was followed correctly.

### **I. Applicant data**

Aleksandar Velinov Angelov graduated from "Law" major at "Neofit Rilski" Southwestern University. He has been working in the judicial system since 2009 as a junior

judge at Montana District Court, a district judge at Sofia District Court, and since 2017 he has held the position of administrative head of the district court in the city of Sofia.

His professional and practical experience in the administrative management of the activities of the magistrates and judicial officers in the largest court in the country logically proves the interest in the chosen topic of the dissertation.

## **II. Actuality and general characteristics of the dissertation work**

The presented dissertation work 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" has a total volume of 340 pages. It includes an introduction, the exposition is systematized in three chapters, each with separate subsections, a conclusion and a list of used literature and normative sources.

The topicality of the subject is determined by the need for judicial reform, which is inextricably linked to the activity of first-instance civil justice and its structure. The dissertation can serve for the future optimization of the judicial process, while simultaneously improving the speed and quality of justice in the most numerous court proceedings - first-instance civil proceedings. The importance of in-depth scientific research meets the needs of creating guidelines for the most appropriate legislative decisions to ensure the proper functioning of the first-instance civil courts to the maximum extent. In this regard, the research and analysis of the problems is important and relevant. On this basis, useful scientific and practical results have been derived.

The research methodology and methods are correctly chosen with a view to achieving the goals and objectives stated in the dissertation.

The subject of research are the normative acts - the judicial laws and laws regulating civil proceedings in force in Bulgaria during 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. On their basis, the author has successfully researched the development of first-instance civil justice in Bulgaria and has made a justified and in-depth comparison between the effective regulations in the period from 1878 to 1948 and the current legislation. Indicative of the achieved results are the large number of successfully argued proposals for upgrading the current legislation. The general goal of all formulated proposals *de lege ferenda* is socially significant - to guarantee transparency and efficiency of the procedural actions performed by the courts of first instance, the speed and quality of the administration of justice.

### **III. Contents of individual chapters. Contributing moments.**

In the first chapter, a historical review of the formation and development of the structure and organization of first-instance civil justice in Bulgaria in the period 1878-1948 is made. Special attention is paid to the basic normative framework - the five laws in force during this period, regulating the creation and operation of courts institutions appearing as the first instance in civil cases, as well as numerous changes that the laws underwent during their operation. Contributing element is the analysis of the regulation of: the institute of justices of peace; the conditions for the appointment and promotion of judges; the institute of inalienability; the candidates for judicial office and the register of decisions issued by the Supreme Court of Cassation.

In the second chapter, basic issues concerning first-instance civil proceedings are examined - the regulation of the essential stages through which the consideration of cases passes and which are related to various obligations for the court, in the period 1878 - 1948. The author's approach to analyzing the relevant regulation is appropriate to each of these

stages of the proceedings, which allows one to gain a real idea of the judicial activity of the judges - what activities, respectively efforts, they should have put in to consider and conclude a civil proceeding under the general claim procedure. A scientific contribution is the detailed study of the regulation of the first-instance civil proceedings in its preparatory part, i.e. before the open court session. In this regard, the regulation of the double exchange of documents and the designation of a judge-reporter, who will single-handedly collect the evidence admitted by the court panel, have been discussed. An important emphasis is placed on the development of the normative regulation of proof, and the characteristics of the individual methods used for the inclusion of evidentiary material are practically important. The analysis of the specific restrictions introduced in the Civil Procedure Act of 1930 regarding the possibility of appeal of certain categories of decisions and the established dependence of the right of appeal on the evidence on the basis of which the decisions were made is also a contributing point. A so-called temporary decision was successfully presented, which in practice is a type of abbreviated proceedings, for which the district court, acting as the first instance, was competent. Also worthy of support is the author's stated thesis regarding the provision provided for in the repealed legislation that the district judge does not write reasons for decisions that are not subject to appeal.

In the last chapter three, the features of the general courts operating at the time of the preparation of the study are examined, respectively the appointment, promotion and, in summary, the status of the judges administering justice in them, as well as the procedural rules on the basis of which they carry out first-instance civil justice and, respectively, these questions are compared with the related regulations that were in effect in the period 1878-1948. The author's contribution is the reasoned substantiation of the thesis regarding the regulation of the conditions and procedure for the appointment and promotion of judges that the balance should be sought between the most objective possible evaluation of the qualities of the candidates and that this evaluation and corresponding appointment, promotion should be carried out in reasonable terms, so as not to hinder the staffing of the courts. The subject of

upgrading the powers of judicial assistants, for example by giving them the opportunity to decide independently on some matters concerning the administration of cases, as a possible way to lighten the workload of judges, has not been overlooked. Scientific value is the analysis of the regulation and the significance for the administration of local jurisdiction, as well as the formulated recommendations for prevention against attempts to abuse the right to choose local jurisdiction. The analysis of the activity of the court of first instance in the preparation of a report on the case is also a contributing point, with a justified emphasis on the importance of the report being prepared and announced to the parties as early as possible - at the moment when the positions of the parties have been clarified. The regulation of preclusions in civil proceedings has been traced, and the author's conclusions about their importance in the process of gathering evidence are of interest. Regarding the proceedings to challenge the authenticity of a document, recommendations have been made to award the costs incurred in these proceedings, depending on the established outcome of the challenge. The issues concerning the announcement and motivation of the judicial act were also considered. As a result, proposals have been made for their optimization and improvement. In more detail and critically, the legislative framework concerning warrant proceedings is examined. Conclusions and proposals have been made for the more flexible provision of debtors' protection in order proceedings, which would improve its effectiveness.

The dissertation's final opinion deserves absolute support, that the optimal structure and organization of the courts, as well as the adequate procedural legislation, determine the speed and quality of the administration of justice.

I accept the author's scientific and applied contributions, of which the following can be distinguished:

A contributing point is the analysis of the relationship between the development of

the system of judicial institutions and the procedural normative bases of their activity;

- The justification of the essential conciliatory function embedded in the concept of the activity of the court of first instance;

- The highlighting of a number of appropriate legislative decisions contained in the repealed normative acts, the re-inclusion of which in the current legal framework would have positive effects;

- Another contribution is the recommendation to upgrade the regulations concerning the warrant proceedings;

- The recommendation to rethink the role and function of the judicial assistant;

- The proposed methods for improving the process of collection, verification and analysis of evidence in the first-instance civil process;

- The proposals for optimizing the regulations regarding the obligations of the civil court of first instance to always hold an open court hearing on the case before issuing a decision and its obligations for the motivation of the final judicial act.

I find that the author's main conclusions are successfully defended on the basis of a thorough analysis of the current legislation and its comparison with the repealed legislation in force from 1878 to 1948.

The abstract accurately and faithfully reflects the most important aspects of the dissertation research, and the reference of contributions contains the actual scientific achievements of the doctoral student.

Publications on the topic allow to get a more complete picture of the dissertation work, provide the necessary publicity for the scientific and applied contributions, as well as the author's achievements.

#### **IV. Conclusion**

The overall assessment of the dissertation work allows us to conclude that it meets the requirements of the Law on the Development of the Academic Staff of Republic of Bulgaria and the regulations to it, possesses the necessary qualities to grant its author the educational and scientific degree "Doctor", which is why **I give a positive rating** and

#### **I SUGGEST**

to the members of the Scientific Jury Council to vote **to award Aleksandar Velinov Angelov the educational and scientific degree "Doctor" in professional field 3.6. LAW.**

18.02.2023

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Prof. Dr. Tencho Kolev Dundov