

SUMMARIES of publications
of Chief Assistant Professor Ralitsa Svetlozarova Kostadinova, PhD, presented for participation in a competition for the academic position “associate professor”, professional field 3.6. Law (Criminal law and EU Criminal law) in New Bulgarian University, announced in SG, issue. 83/2019

Under Art. 27, para. 1 of the ZRASRB summaries of the scientific publications, which did not participate in the procedure for obtaining the scientific and educational degree "doctor", were prepared: 1 published monograph, 1 study and 26 scientific articles and reports.

I. Monograph

Kostadinova, Ralitsa. (2019). **Suspended sentences under Bulgarian Criminal law**, Sofia, NBU. ISBN 978-619-233-068-2, 280 pages (No 2 in the List of publications, part I, monograph). The monograph is reviewed by Prof. Anton Girginov, D.J.S. and Prof. Dr. Veselin Vutchkov.

This monograph is the first comprehensive and in-depth study of the suspended sentence in the existing Bulgarian Criminal law. It consists of introduction, four chapters, conclusion, 7 appendixes, bibliography, summary and detailed content in English. The print edition contains 280 pages.

Chapter one of the book explores the legal history of the institute of suspended sentence in Bulgaria. It traces the appearance of suspended sentence in Europe (§1) and Bulgaria (§2). It further analyses the stages through which the legal treatment of suspended sentence developed. The conclusions reached in this first chapter of the study serve as a reference point for the understanding of the true legal nature of the suspended sentence in Bulgarian Criminal law (§3) and its comparison and distinction from other similar figures in Bulgarian law (§4).

Chapter Two explores the requirements for applying the suspended sentence in Bulgarian law. The profound examination of the preconditions is accompanied by a survey and review of the existing legislation and case law on the topic. This reflection on the requirements for delaying the enforcement of the sentence aims at enhancing the efficiency of this measure and facilitating its legitimate application. The analysis proceeds with the

issues related to the type and length of the sentence (§7), the criminal record of the offender as requirement for delaying the enforcement of the sentence (§8) and the aims of the punishment as decisive factors for the application of the suspended sentence (§9). Each requirement is explored from three aspects: legal history, comparative law and existing law and caselaw.

Chapter Three is dedicated to the regime of suspended sentence. It examines the specifics of the probation period (§11) and its length (§12). Special attention is given to the regime of the suspended sentence (§13) and the legal consequences of compliance/non-compliance with it. By means of this, the first three chapters of the study provide an outline of the suspended sentence in the Bulgarian Criminal Law. Its understanding would not have been complete without exploring it from a European perspective.

The free movement of people in the European Union raises the question whether the country where the convicted person has his/her ordinary residence is entitled to recognize and enforce a foreign judgement, including one for imprisonment, the execution of which is conditionally suspended and the sentence is passed by imposing one or more probation measures. This requires to take into consideration the development of the mutual recognition of the supervision of suspended sentence in international acts (§16) and in EU Law (§17). The specific problems in Bulgarian law related to the proceedings for recognition and execution of probation decisions, issued in another EU member state, as well as for forwarding such decisions, are examined in § 18 of the book.

II. Study

Kostadinova, Ralitsa. (2015). **THE FORMATON OF BULGARIAN CRIMINAL LAW IN THE POST-OTTOMAN LIBERATION PERIOD**. In: Conflict and coexistence. The legal systems of south-eastern Europe in the 19th and 20th centuries. Vol. 1: Romania, Bulgaria, Greece. Edited by Michael Stolleis in cooperation with Gerd Bender and Jani Kirov. Frankfurt am Main: Klostermann 2015. X, 935 p, pp. 755-795. ISBN 978-3-465-04246-4 (No 1 in the List of publications, part II, studies)

This paper forms part of an international academic research project “The Emergence of National Legal Systems in Post-Ottoman Southeastern Europe. Deconstruction, Formation and Transfer of Normativity” of the Max Planck Institute for European Legal History, Frankfurt am Main, Germany. The results of the survey are published in “Conflicts and co-habitaiton”, edited by prof. Michael Stolleis.

The present study deals with the Bulgarian criminal law in the period following the so-called Russo-Turkish “Liberation War” of 1877-78 and the so-called legal transfer of western traditions in this field of law. The analysis of the system applied in Bulgaria for combatting criminal activity in the last two decades of the 19th century is impressive due to its complex character. On the one hand, the paper points out that the Principality of Bulgaria enacted the Criminal code of the Ottoman Empire (1858) immediately after 1878. Although in the opinion of many Bulgarian researchers this Code is “archaic”, it was applied in Bulgaria for almost two decades. On the other hand, Bulgarian criminal law in the period following the Liberation is based on three sources: legal acts, issued by the Provisional Russian government, new acts adopted by the National Assembly and customary law. The problem with the applicability competition among these sources is examined through the example of traffic crimes in the period 1878 – 1896. Moreover, it should be noted that the formation of the criminal legal system in Bulgaria after 1878 is also explained through the topics of legal transfer, competition of sources and the rule of law.

The main thesis supported in the study is that Bulgarian criminal law has been modeled under the influence of western theories, a process that started immediately after the Liberation by means of the so-called legal transplantation of the Ottoman criminal code, and which ended after 1896 with the adoption of the first Bulgarian Criminal Act. From this moment on the principles of the “modern” western criminal law have been further developed in the domestic legislation of the Principality of Bulgaria. Thus, they have served as the foundation of contemporary national criminal law. That is why the major issue in this context is not whether western principles can be found in Bulgarian criminal law but rather how their inclusion therein happened and what was the pattern of evolution that followed.

III. Articles and reports

1. Kostadinova, R. (2012). **EUROPEAN MODELS OF CRIMINAL PROTECTION OF TRANSPORT SAFETY**. In: The European future of Bulgaria. Legal aspects. Annual Scientific Conference 2012 Sofia, UNWE, UNWE Publishing house, p. 229-234, ISBN 978-954-644-434-9. Reviewed edition (No 1 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

This paper explores the models of transport crimes adopted in various European legislations. As a result of a comparative law analysis, a conclusion is reached that each country creates its own specific system of traffic crimes. Basically, the various approaches of the different countries can be organized in three main groups. In the first one, the traffic crimes exist as a separate group in the Criminal code. In the second group, traffic crimes form a sub-category to other group of crimes. The third group of legislations deal with traffic crimes not in their Criminal codes but in other pieces of legislation. The paper examines extensively the specifics of the traffic crime legislations of the Russia Federation, Poland and Germany. The main concept adopted by the European legislations is that traffic crime is an offence against the transport safety and because of that of the general safety. Therefore, traffic crimes are a sub-category of the generally dangerous crimes. Certainly, the method applied in the penalization of traffic offences reflects the specifics and trends of each respective criminal law legislation.

2. Kostadinova, R. (2012). **SYSTEM OF CRIMES AND CRIMINAL POLICY OF THE REPUBLIC OF BULGARIA**. In: Models for crime system according to modern criminal law: Fifth international scientific-practical conference, organized by the Faculty of Law of the Plovdiv University "Paisii Hilendarski" and the Faculty of Legal Studies of the Burgas Free University, 12 June 2012, Ed. Prof. Jordan Aidarov, Plovdiv, Paisii Hilendarski University Press, 2013, p. 131-146, ISBN 978-954-423-836-0, edited book with contributors (No 2 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

This report was presented at the Fifth international scientific-practical conference, organized by the Faculty of Law of the Plovdiv University "Paisii Hilendarski" and the Faculty of Legal Studies of the Burgas Free University, which was held on 12 June 2012. It deals with the concept of criminal policy and its role in the creation of the system of crimes in the Bulgarian Criminal Law. The first part of the report contains a short overall historical review of the understanding of criminal justice policy since the time this term was introduced in 1804 by A. Feuerbach in Europe. The existing views (Feuerbach, Henke, List, Lopashenko, etc.) are classified in three groups. The issue of criminal policy is examined in its wide and narrow sense. It is further clarified that criminal policy in this article is understood as the policy of the state aimed at preventing criminal offenses with the means and techniques of the Criminal law. The effectiveness of the criminal act is claimed to depend on three factors: the effectiveness of criminalization, of legislation and of judiciary. The second part of the report is focused on the understanding of criminal policy in the Bulgarian criminal legislation in the way it is perceived by distinguished scholars like Dolapchiev, Saranov, Nenov, Mihailov and as laid down in the Concepts for criminal justice policy after 2009. The review made of these concepts justifies the conclusion made by Boris Velchev that „they lack the understanding of Criminal law as a means of last resort“. The third part of the report deals with system of crimes and criminal justice policy. The conclusion of the report states in summary that the provisions of the special part of the Criminal Code reflect the criminal justice policy of the country in a particular period of time and the specific development of the society at that time.

3. Kostadinova, R. (2012). **SIGNIFICANT PROPERTY DAMAGES UNDER BULGARIAN CRIMINAL LAW**. In: Scientific works of the University of Rousse, 2012, Volume 51, Series 7, p. 260-264. ISBN 1311-3321, National reference list, VINITY Reference journal, peer-reviewed edition with contributors (No 3 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

The paper analyses the term "significant property damages in Bulgarian criminal law. It examines the various types of crimes for which significant property damage exists as a requirement in the actus reus of the crime and which needs to be proven in court proceedings. A conclusion is made that all cases refer to crimes related to hazardous activity. The existing views of the term "significant property damages" are examined. The author argues that the significant property damages is a harm inflicted on the injured person, amounting at least to

14 times the minimum wage fixed at the time of crime was done. Damages for death and personal injury are not included in the calculation. The terms “significant damages” and “significant harm” are distinguished.

4. Kostadinova, R. (2012). **SUSPENDED SENTENCE IN BULGARIAN CRIMINAL LAW**. In: Current problems of modern social sciences: scientific knowledge in a globalizing world: materials III Internar.science.-practice. Conf. young scientists, Peskova (ed), Ufa : BAGSU, 2013, p. 299-305. ISBN 987-5-4457-0028-9, edited book with contributors (No 4 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

This publication is in Russian language. It was written for the Thirs international Science & Practice Conference for young scholars, held in Ufa, Republic of Bashkortostan in 2013. This paper makes an overall presentation of the suspended sentence in Bulgarian Criminal law. It starts with a brief history review, which informes the audience about the abundant history of this Criminal law institute. All requirements for applying the suspended sentence are examined in turn. Attention is drawn to the fact that suspended sentence is given only when the purposes of the punishment can be achieved without actual serving of the sentence. The article also deals with the probation period and the possibility for a probation decision. Special emphasis is placed on the fact that the suspended sentence has never been considered as a type of punishment, which is the case of the Russian Criminal Code, but only as a way of delaying the serving of the sentence. In this report, the author shows strong willingness to explore thoroughly in a further publication the problems of suspended sentence and its importance for the prevention of crimes.

5. Kostadinova, R. (2013). **EMERGENCE AND DEVELOPMENT OF CONDITIONAL SENTENCING IN BULGARIA (1904 - 1968)**. In: Knowledge - tradition, innovation, perspective. Volume Second, Burgas, p. 135-141, ISBN 978-954-9370-96-6, edited book with contributors (No 5 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

This report was prepared for the International Research Conference “Knowledge - tradition, innovation, perspective”, held on 14-15 June 2013 in Burgas. Suspended sentence is an institute, which traditionally is part of modern criminal legislation. This report examines the question about the emergence of the so-called suspended sentence and about its development in Bulgarian criminal law. Based on a study of the legal framework of this institution in the twentieth century and its comparison with the existing legislation, conclusions are made about contemporary trends in the regime of the suspended sentence in Bulgaria during the period from the Liberation till 1968.

6. Kostadinova, R. (2013). **TYPES OF PUNISHMENTS PROVIDED FOR TRAFFIC CRIMES UNDER BULGARIAN CRIMINAL LAW.** In: AUREA. Golden Rules, №6, 2013, p. 191-201, edited book with contributors (No 6 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

The prevention of traffic crimes requires not only to criminalize them by specifying the mens rea and actus reus but also to provide proper punishment for their commitment. Those issues have not been analysed in the doctor thesis of the author. This article aims to explore the types of punishment applicable to traffic crimes and their impact on the convicted persons. The paper examines consecutively the following types of punishment: life sentence, imprisonment, probation, fine, confiscation and deprivation of rights. The survey of traffic crimes' penalization starts with the understanding that it determines significantly the prevention of traffic offences.

7. Kostadinova, R. **SPECIFICS OF THE PERPETRATOR OF CRIMES AGAINST THE TRAFFIC SAFETY,** Yearbook of the Department of Law, New Bulgarian university, Sofia, 2013, p. 207-223. ISSN 1314-8087. National reference list, CEEOL. (No 7 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

This article explores the specific requirements concerning the perpetrator of the different crimes defined in Part II of Chapter XI of the Criminal Code. The aim of the study is twofold – to make findings about the specific features of the perpetrator of traffic crimes and to outline the trends in the legal reasoning on this topic. To that effect the following methods were used: legal-historical method with which to analyse how the concept for the perpetrator of traffic crimes developed in Bulgarian Criminal legislation, normative research method to find out the true reasoning of the legal provisions and the method of critical analysis in order to propose changes to be made in the existing legislation on traffic crimes.

8. Kostadinova, R. **STEPHAN BOBCEV AND THE BULGARIAN CUSTOMARY CRIMINAL LAW DURING XIV-XVIII CENTURY** In: Readings on Bobchev: in memory of the jurist professor Stefan Bobchev, UNWE Publishing house, Sofia, 2014, p. 97-102, ISBN 978-954-644-558-2. Peer-reviewed issue with contributors (No 8 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

This report examines the question about the criminal law applicable to Bulgarians during the period of the Ottoman domination from the perspective of the research works of Stefan Bobchev. The prevention of criminal offences among the Bulgarian population was carried out by different means – on the one hand, by means of the Ottoman courts, in which kadis delivered justice under the Ottoman criminal law, and on the other hand – the Knez, the Old Men or the Craftsmen courts, which applied customary criminal law.

9. Kostadinova, R. **CRIMINAL PROTECTION AGAINST CORRUPTION AS PART OF THE UNIVERSITY EDUCATION IN NATIONAL SECURITY**, Anniversary international research conference “Ten years of teaching security in NBU: existing situation and perspectives for the training in dynamic and unpredictable circumstances”. Edited by prof. Venelin Georgiev, PhD, Sofia, New Bulgarian University, 2013, p. 484-490, ISSN 978-954-535-796-1. Peer-reviewed issue with contributors (No 9 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

This report was written for the Anniversary international research conference “Ten years of teaching security in NBU: existing situation and perspectives for the training in dynamic and unpredictable circumstances”, held in 2013. It explores the fight against corruption as a national security priority. The author agrees that criminal law protection against corruption should be a prevention means of last resort. The curriculum of the programs in the Department of national and international security covers the system of crimes related to corruption. The interdisciplinary method is claimed to be obligatory in teaching legal topics to non-law students. Making students familiar with the problems of corruption requires teaching the students the basics of Criminal law and crime prevention.

10. Kostadinova, R. (2013). **CRIMES AGAINST CIVIL AVIATION SECURITY**. In: Collection of reports from annual University Scientific Conference, Volume 6, National Military University press, Veliko Tarnovo, 2013, p. 76-84, ISBN 1312-6148, Peer-reviewed issue with contributors (No 10 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

This paper was written for the Annual research conference of the National Military University in Veliko Tarnovo, held in May 2013. It examines aircraft piracy and the international acts dealing with it. In this regard, in 1970 the Hague Convention for the Suppression of Unlawful Seizure of Aircraft has been signed, followed by the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. In the 70s of the last century Bulgaria became party to these international conventions, which accordingly required appropriate amendments in the field of criminal law. In compliance with its commitments under the conventions Bulgaria criminalized certain offenses against the safety of civil aviation in the Criminal Code. The article explores in-depth the specifics of the object, subject and the system of crimes against the civil aviation safety. The addition, the following issues are examined in detail: generally dangerous harm to an aircraft, generally dangerous threat for the safety of an aircraft, unlawful seizure and control of an aircraft. Special attention is given to the challenges in that area and the recommendations of ICAO for criminalization of offenses, related to the transportation of nuclear, biological and chemical weapons on board an aircraft as well as the transportation of refugees on board of aircrafts.

11. Kostadinova, R. **THE PRACTICE OF THE SUPREME COURT OF CASSATION ON THE APPLICATION OF ART. 343 OF CRIMINAL CODE (2012-2014)**. In: Research works of the University of Rousse, 2014, Volume 53, Series 7, p. 242-245. ISSN 1311-3321, National reference list, VINITY Reference journal, peer-reviewed edition with contributors (No 11 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

This article presents some interesting decisions of the Supreme Court of Cassation, ruled during the period of 2012-2014 on the main traffic crime under art. 343 of the Criminal Code. Decision №300/25.06.2012 of the SCC clarifies that an accidental act requires not only an obstacle coming up in the danger zone but no violation of the safety rules as well. Therefore, there shall be no accidental act if the driver made it himself impossible for him to slow down the speed and stop the vehicle in case of danger (decision №533/17.12.2012, SCC). The paper highlights the inapplicability of point 11 of Interpretative decision 28/1984 of the Supreme court due to the fact that the Road Traffic Act doesn't require drivers to reduce speed when passing along a horse-drawn vehicle. As far as coachman qualifies as a road user and therefore has to comply with all safety rules, the danger arises at the time when "coachman entered the traffic lane of the defendant" (Decision №494/2012, SCC). Case law pays special attention to art. 5, para. 1 RTA which commands general traffic rules to all traffic participants. Paragraphs 1 and 2 of article 20 RTA specify particular road traffic violations. There cannot be any connection between para. 2 and para. 1 of art. 20 RTA.

12. Kostadinova, R. **BULGARIAN CRIMINAL JUSTICE THROUGH MEDIA'S VIEW**. In: Media in Bulgaria: 25 years later, Sofia: New Bulgarian University, 2015, p. 110-115. ISBN 978-954-535-890-6 (No 12 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

This research paper was written in connection with the author's participation in the National conference: Media in Bulgaria: 25 year later. With respect to the topic of the conference, this report focuses on suspended sentences in Criminal law and their media coverage. It takes as a starting point that mass media act as an intermediary between the criminal justice bodies and information users. Therefore, the paper aims to explain the

concept and the function of the suspended sentence. The suspended sentence is a criminal law consequence ensuing the crime committed. Although suspended sentence has the effect to mitigate and humanize the penal sanction, it is not a denial of justice. It makes criminal liability individual and keeps the option for the convicted person to serve the sentence in case of violation of the probation. A conclusion is made that media, being a source of information on crime activity and on the outcome of court cases, play an important general prevention role. They support two ongoing trends: fear to commit crime and citizens' trust in criminal justice.

13. Kostadinova, R. **SOME ASPECTS OF THE CRIMINAL LIABILITY FOR ECONOMIC CRIMES**. In: Problems of legislation and law enforcement related to business development in the Republic of Bulgaria and Europe, Volume 2, Sofia, UNWE press, 2015, p. 233-239. ISBN 978-954-644-739-5, peer-reviewed edition with contributors (No 13 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

This paper deals with the concept of economic crimes, their penalization and the criminal liability imposed for such crimes. The understanding of these crimes and their classification is examined in historical perspective since the 50s until nowadays. The paper explores the issue from a criminology perspective as well. Industrial and economic crimes are distinguished (a term used by the Analytical department in the Supreme Prosecutor's Office of Cassation). The report contains data reflecting the penalties actually imposed for economic crimes over the last years. The analysis shows that imprisonment was the main kind of punishment imposed. Official data shows that in more than half of the cases the service of the sentence was delayed under Art. 66 Criminal Code.

14. Kostadinova, R. **CRIMINAL PROTECTION OF NATIONAL SECURITY IN THE REPUBLIC OF BULGARIA**. In: South-Eastern Europe: new threats to regional security, Editor: associate professor Todor Kolarov, Doctor habilis, Sofia, New Bulgarian University, 2016, p. 381-384, ISBN 978-954-535-907-1, peer-reviewed edition with contributors (No 14 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

This report examines the crime against the national security of the Republic of Bulgaria. Starting with a review of the legislation on national security, the author tries to give general guidelines for the analysis of these offenses. National security is explored as a subject of criminal justice. The paper makes a brief overall review of the crimes against national security. A conclusion is reached that studying the offences that create a threat or result in a harm for the national security, plays an important role in the prevention of such delinquences.

15. Kostadinova R., **CRIMINAL PROTECTION AGAINST TERRORISM (ASPECTS OF EU CRIMINAL LAW AND INTERNATIONAL CRIMINAL LAW)**, Yearbook of the Department of Law 2015, year IV, Sofia, New Bulgarian university, 2016, p. 299-311, ISSN 1314-8087. National reference list, CEEOL, peer-reviewed edition with contributors (No 15 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

This paper explores some aspects of the supranational criminal protection against terrorism. It begins with an outline of the traditional approach to this issue, namely from the perspective of the international criminal law, which considers terrorism as a crime of an international character. The opinion of Bulgarian legal academics on this topic is summarized (D. Mihailov, B. Velchev, R. Markov). The article tracks the position of the EU legislature on terrorism since the 70s last century till today. The scope of the term 'act of terrorism' is followed up in various framework decisions and general approach documents of the EU and in some UN resolutions. Special attention is paid to the basic characteristics of the Criminal law of the European Union as the most modern and most rapidly expanding field of European law. Framework decision (2002/475/JHA) on combating terrorism is analysed. Finally, the paper marks the challenges for EU Criminal law after the Lisbon Treaty and the agenda in the proposal for a Directive on combatting terrorism of 2015.

16. Kostadinova. R. **NONCONDITIONAL SENTENCING OF THE „CONDITIONAL SENTENCING“**. In: Rule of law or law of rules, Sofia, NBU, p. 151-157. ISBN 978-954-535-951-4, peer-reviewed edition with contributors (No 16 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

The report explores the meaning of the term „suspended sentence“. The established understanding of the term is that it means conditional non-execution of the imposed punishment. Major part of the survey focuses on the conflict between the implied meaning the term linguistically brings up, i.e. of purely conditional and even missing element of a punishment itself, and the true legal nature of this important Criminal law institute. The paper further discusses some of the legal consequences for the so called „conditionally convicted persons“ that justify the assertion that the criminal relationship is not terminated with the court decision on suspended sentence. The report draws attention to the conclusion that the state makes use of the suspended sentence as a tool to enforce its corrective and preventive criminal law policy.

17. Kostadinova, R. **SPECIFICS OF SUSPENDED EXECUTION OF IMPOSED PUNISHMENT IN BULGARIAN CRIMINAL LEGISLATION**. In: Criminal legislation – traditions and perspectives. Editor: professor Plamen Panaiotov, PhD, St. Kliment Ohridski University Press, Sofia, 2016, p. 199-211. ISBN 978-954-07-4170-3, peer-reviewed edition with contributors (No 17 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

The report focuses on the cases where the execution of the sentence is delayed in Bulgarian criminal law. The problems of suspension are discussed from the perspective of „suspended sentence“ under art. 66 of the Criminal Code as a possibility for individualization of the criminal liability. Delayed serving of imprisonment has a long history in Bulgaria. It was introduced by the Suspended sentence Act in 1904. The author explains the reasons why it was not in the Criminal Act of 1896. Under the existing legislation, the term used “conditional conviction” is not correct - its true meaning is “suspended execution of imposed imprisonment“. The paper examines other instances when the sentence is not served - early release from prison, pardon, expiry of a limitation period, postponement based on art. 415 of the Criminal procedure code and interrupted serving of the sentence based on art. 447 CPC. Finally, the delayed serving of imprisonment sentence under on art. 66 Criminal Code is also conceived as a form of delivering criminal justice.

18. Kostadinova, R. **CRIMINALISATION OF TERRORISM**, Annual Research Conference of the National Military University “Vassil Levski”, Volume 7, Veliko

Tarnovo, NMU Press, 2016, p. 77-85, ISSN 1314-1937, peer-reviewed edition with contributors (No 18 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

This paper deals with the proposal for a Directive on combating terrorism presented by the European Commission at the end of 2015. It examines in detail the three groups of terrorism-related offences: terrorist crimes, terrorist group related crimes and terrorist activities related crimes. In the 21st century the criminal law doctrine is forced to give new definition of terrorism. Further study of the terrorism-related crimes is of utmost importance for the Bulgarian Criminal law as well as for the deliberations of the draft Act on combating terrorism, which successfully passed first hearing at the Bulgarian National Assembly in July 2016.

19. Kostadinova, R. **TRANSFER PROCEEDING OF PROBATION MEASURES**, Annual Research Conference of the National Military University "Vassil Levski", Volume 6, Veliko Tarnovo, NMU Press, 1-2 June 2017, p. 177-187, ISSN 1314-1937, peer-reviewed edition with contributors (No 19 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

In 2012 Bulgaria transposed Council Framework Decision 2008/947/JHA by way of passing the Act on Recognition, Execution and Forwarding of Judgments and Probation Decisions with a View to Exercising Supervision of Probation Measures and Alternative Sanctions. This legislative act provides a legal opportunity for the execution of probation measures, issued by other EU countries (probation measures transfer) and sets out the rules governing the transfer. This paper examines in detail the first and second instance proceedings on the probation measures transfer. The author comes to the conclusion that within the EU probation measures are recognized and executed in strict compliance with the framework decision, without any additional formalities. Time periods for delivering the decisions are short as in the other cases of mutual recognition of criminal justice acts. Once the decision for the recognition becomes effective, the probation measure can be executed in the Republic of Bulgaria. The legal effect of this transfer of authority is that our country becomes authorized to judge probation violations.

20. Kostadinova, R. **TRANSFER OF PROBATION MEASURES IN THE EUROPEAN UNION**, 25 year Department of Law, New Bulgarian University, 2017, p. 197-205, ISBN 978-954-535-985-9, peer-reviewed edition with contributors (No 20 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

In the Bulgarian Criminal law the court may impose probation as punishment or impose a probation measure during the probation period in the case of suspended sentence or early release. Once imposed they become part of the probation regime during test period and any failure to observe them triggers consequences unfavorable for the sentenced person. The adhesion of our country to the European Union in 2007 and the free movement of persons and services confronted criminal justice doctrine with new challenges. The paper examines the alternatives to imprisonment and the Act on the recognition, execution and forwarding of judgments and probation decisions for the purposes of supervision of the probation measures and alternative sanctions, by means of which Bulgaria transposed Council Framework Decision 2008/947/JHA. This act lays down the rules on the transfer of probation measures in compliance with the principle of mutual recognition and recognition of decisions ordered by the court of another Member State.

21. Kostadinova, R. **SPECIFIC ISSUES OF THE PUNISHMENT IMPOSING SUSPENDED SENTENCE IN THE BULGARIAN CRIMINAL LAW**, Yearbook of the Department of Law 2016, year V, Sofia, 2017, New Bulgarian university, p. 292-311, ISSN 1314-8087. National reference list, CEEOL, peer-reviewed edition with contributors (No 21 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

The paper explores one of the preconditions for imposing a suspended sentence, namely the type and the size of the punishment imposed to the convicted person. In contemporary Bulgarian Criminal Law a sentence can be suspended provided it is less than 3 years of imprisonment. This rule has its reasons in legal history. Criminal justice review shows that initially suspended sentence was an alternative to short-term imprisonment (up to 1 year imprisonment and detention) and fine. Following the Criminal act of 1896 when imposing suspended sentence the court determined also the period of imprisonment, which the

defendant would serve in case the fine is not paid. The ensuing criminal legislation gradually increased the period of imprisonment and the punishments the execution of which can be delayed. The broadest scope of suspended sentence was in the 50s of XX century, when the punishment imposed could be imprisonment or a less serious punishment, i.e. community service, confiscation, fine, deprivation of certain rights and public reprimands. Currently, suspended sentence is a way to delay the serving of a less than 3-year sentence of imprisonment. The application of suspended sentence aims to achieve the purposes of punishment.

22. Kostadinova, R. **DIRECTIVE (EU) 2017/541 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 15 MARCH 2017 ON COMBATING TERRORISM AND THE AMENDMENTS IN BULGARIAN CRIMINAL LEGISLATION**, In: Asymmetric threats, hybrid wars and their impact on the national security, Sofia, Publisher: Machine engineering scientific union "Industria-4.0", 2018, p. 338-347, ISBN 978-619-7383-09-6. peer-reviewed edition with contributors (No 22 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

This paper deals with current criminal law protection against terrorism both in the European Union law and the Bulgarian national legislation. On EU level, regulation is provided by Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism. Respective changes in the Bulgarian Criminal Code followed in December 2017. The amendments made existing terrorist crime provisions more precise and criminalized new terrorist offences as well. The analysis of those changes shows the process of europeanisation taking place in Bulgarian criminal law.

23. Kostadinova, R. **THE PRIOR SENTENCING OF THE OFFENDER AS A BARRIER TO APPLY THE SUSPENDED SENTENCE**, Yearbook of the Department of Law 2017, year VI, Sofia, 2018, New Bulgarian university, p. 366-383, ISSN 1314-8087. National reference list, CEEOL, peer-reviewed edition with contributors (No 23 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

This article deals with the prior sentencing of the offender as a barrier to apply the suspended sentence rules under the Bulgarian Criminal law. The first part of the paper explores the legal treatment of prior sentencing as an obstacle to delay the serving of a sentence in Bulgarian Criminal Law during 1904-1968 period. The second part contains a brief review of foreign legislations and outlines the specific approaches to the issue of prior sentencing as a barrier to suspended sentence. The third part is focused on the contemporary legal regime and the questions posed by case law and criminal law theory. Special attention is given to the problem of a prior sentence ruled by a court in another EU member state. The central issue is whether this sentence needs to be recognized for execution under the Criminal Procedure Code in order to be treated a barrier to suspended sentence. The article as a whole aims to clarify the prior sentencing as a barrier to suspend the execution of the punishment and to provide answers to the problems found in practice.

24. Kostadinova, R. **MODERN SECURITY AND MUTUAL RECOGNITION OF PROBATION DECISIONS AND ALTERNATIVE SANCTIONS IN THE EUROPEAN UNION**. In: Internaitonal research conference „Modern security and comtemporany technology“, 15 March 2019, New Bulgarian University, Department of national and international security and National Security Faculty of War Studies University. p. 404-410, peer-reviewed edition with contributors (No 24 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

At the end of XX century states are confronted with new challenges, provoked by the free movement of people in the EU and the internationalization of crimes. These processes require new measures for collaboration to be adopted in the area of justice and internal affaires. The article explores the principle of mutual recognition of judicial decisions in the EU. The analysis proceeds with the Council Framework Decision 2008/947 / JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and judicial decisions probation with a view to supervising probation measures and alternative sanctions. The undeliving idea of the so-called "transfer of probation measures" is that it will be easier to carry out the social reintegration of the convicted person in their country of origin or ordinary residence. On the other hand, the possibility of transferring probation is a guarantee for the right of free movement for all citizens of the European Union. The Framework Decision was transposed in Bulgaria in 2012 with the Law on the Recognition, Enforcement and Delivery of Judgments

and Probation Decisions with a view to the Supervision of Probation Measures and Alternative Sanctions.

25. Kostadinova, R. **SUSPENDED SENTENCE AS A MANIFESTATION OF THE PRINCIPLE OF HUMANITY IN CRIMINAL LAW**, In: "Citizens' rights and their protection ", New Bulgarian University, 2019, p. 525-532, peer-reviewed edition with contributors (No 25 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

This report explores the suspended sentence in Bulgarian Criminal law through the lens of the principle of humanity. This principle can be tracked from the time suspended sentence was introduced in Bulgaria in the beginning of XX century through the stages of its development till today. The concept of combating crime through minimal criminal coercion is brightly manifested in the institute of suspended sentence and confirms that humanity is a leading principle in the Bulgarian Criminal law.

26. Kostadinova, R. **THE REGULATION OF SUSPENDED SENTENCE IN THE CRIMINAL CODE OF 1968**, Nauchni trudove, University of National and World Economy, Sofia, Bulgaria, in publication, peer-reviewed edition with contributors (No 25 in the List of publications, Part IV. Articles and reports, published in non-refereed peer-reviewed journals or edited books with contributors.)

This report deals with the institute of suspended sentence and the changes in its treatment brought by the Criminal code enacted in 1968. Consideration is given to the legal requirement placing the possibility to achieve the goals of general and special deterrence as a prerequisite for the application of the suspended sentence. The regulations of probation period in previous Criminal laws are put in comparison. Special attention is given to the educative measures as an element of the probation, which were introduced by the Code in 1968. Two different approaches to the legal treatment of the suspended sentence are outlined - one applicable to juvenile offenders and the other dependent on the crime committed and the possibility to enforce the suspended sentence.