

RECENSION

from Assoc. Prof. Dr. Ivan Petrov Vidolov

regarding: Dissertation work on the topic: "Mental coercion under the Bulgarian Criminal Code"

Field of higher education: 3. Social, economic and legal sciences

Professional direction: 3.6. Law

Scientific specialty: Criminal law

Doctoral student: Rusi Viktorov Alexiev

1. Actuality and scientific significance of the dissertation work

Doctoral student Rusi Viktorov Alexiev presents for discussion before a scientific jury, determined by Order No. ПД 38-206/26.04.2023 of the rector of SU "St. Kliment Ohridski" dissertation work on the topic "Mental coercion according to the Bulgarian penal code" for the acquisition of the educational and scientific degree "doctor".

The dissertation is an in-depth scientific study of the problems of the criminal nature of mental coercion, as a basis for seeking criminal liability under the Bulgarian Criminal Code. The topicality of the topic is obvious in view of the current state of judicial practice and challenges to criminal law policy, which is why it does not need to be further argued. However, it is necessary to emphasize the relevance of the work from a scientific point of view and its importance for criminal law theory.

The author has developed a scientific work that examines mental coercion as a way to commit certain crimes under the Criminal Code, the resulting features of the proof process and the specifics of engaging in criminal liability. On this basis, the doctoral student analyzes the existing views in the legal doctrine and the relevant judicial practice, scientifically predicting the possibilities for the development and improvement of the criminal law system. These problems have been examined for the first time in Bulgarian jurisprudence, in a volume of monographic work, based on a thorough study and analysis of judicial practice and legal theory.

The PhD student achieves scholarly contributions in the field of criminal law using an interdisciplinary approach. He skilfully combines and further develops the achievements of criminology, psychology and criminal procedural law. The scientific novelty and research credibility of the obtained results and the conclusions drawn from

them are ensured by the methodological tools used, applied in accordance with research and ethical standards. Their methodologically sound selection, along with the in-depth approach and research competence of the doctoral student, have ensured the development of a dissertation study that meets the requirements of the Law on the Development of the Academic Staff in the Republic of Bulgaria.

2. General characteristics and structure of the dissertation work

The volume of the presented dissertation is 218 pages of printed text. Structurally, the scientific research consists of an introduction, four chapters, a conclusion, a bibliographic list of the literature used. The selected structure and sequence of the exposition allow the considered problems to be perceived and analyzed, both independently and in their entirety, which makes accessible and understandable the theses of the doctoral student and the arguments supporting them. 98 publications on the subject by Bulgarian and foreign authors served as the scientific basis of the research.

In the introduction of the dissertation, the relevance of the research is substantiated and the goals, objectives and methodology are outlined. They are clearly and correctly formulated, which undoubtedly helped to reach the results of the dissertation research.

In chapter one, entitled "Essence of mental coercion", the criminal law essence of mental coercion is clarified, as a specific form of criminal influence. A distinction is made between mental coercion and other similar concepts and institutions of criminal law, and the forms in which mental coercion manifests itself are revealed.

In the first paragraph of this chapter, the author has revealed the typical characteristics of mental coercion, based on a thorough and interdisciplinary analysis of the problem, he has defined mental coercion in criminal law. Here, the author has continued in his scientific pursuits, having argued and illuminated the forms in which mental coercion can manifest itself - verbally and with conclusive actions. This has allowed him to consider all the features of the issue, which is necessary from a methodological point of view for the consistent study of the issue in the following chapters.

In this paragraph, the doctoral student examines the forms of manifestation to which the victim's behavior is motivated, and in order to enrich the knowledge, various classification criteria are applied. The specific content of possible adverse consequences, as an element of coercion, with which the perpetrator motivates the victim to behaviorally objectify the desired action, is also examined. Further, the doctoral student examined and described in detail the mental, evaluative processes, through the lens of which the mental

coercion is perceived by the victim, its structure, content and interrelationships, as subjective representations, motivating him to an unwanted behavior.

Finally, the criminal law significance of the various forms of behavior of the victim as a result of mental coercion and their importance for the realization of criminal liability has been clarified. The paragraph ends with the author's definition of the concept of "mental coercion".

In the second paragraph of the chapter, mental coercion is distinguished from mental impact, criminal mental impact, coercion, intimidation, threat of crime, torture, domestic violence and gender-based violence, as well as from the criminological concept of violence. This has contributed to the deeper argumentation of the author's theses related to the development of a definition of mental coercion.

In the last paragraph of this chapter, entitled "Types of mental coercion", the issue of the type of manifestation of criminal mental impact and coercion is considered, as one of the forms in which they manifest. Based on the existing doctrinal understandings of the problem, the doctoral student proposes a developed classification system that comprehensively presents the types of mental coercion.

Chapter two is entitled "Criminal significance of mental coercion for the responsibility of the criminal".

The chapter, in turn, is divided into two paragraphs. In them, the author examines the issues of using mental coercion in the provisions of the general and special part of the Criminal Code.

In the first paragraph, scientific interest is directed to some institutes of the General Part of the Penal Code and the specific manifestation of mental coercion. Questions related to the specifics of the stages of intentional criminal activity carried out through mental coercion, as well as complicity in crimes and the totality of crimes, are put to scientific analysis. The conclusions of the doctoral student in the part dedicated to the individualization of criminal responsibility of the perpetrator related to mental coercion are of interest, because of the proposed specific approach for defining and accounting for mitigating and aggravating circumstances.

Paragraph two is dedicated to the issue of the norms of the Special Part of the Criminal Code, in which mental coercion is a feature of the composition of the crime.

In order to comply with the methodological consistency of the scientific research, the doctoral student has proposed a classification of crimes committed through coercion, based on whether the coercion is raised as a feature of the main or qualified composition of the crime. An additional qualification of the second level was made, through which the

essence of the scientific problem and the manifestation of coercion, in the criminal law norms of the Special Part, were revealed in greater depth.

The author has consistently explained the general characteristics of crimes committed through coercion and the specifics of their objective and subjective side, and in some places he has drawn conclusions and conclusions revealing abstract generalizations that have theoretical significance and a contributing nature to criminal law science.

Chapter three is entitled "Criminal significance of the conduct of the person against whom mental coercion is exercised." It discusses issues related to the criminal law significance of the victim's behavior as a result of its impact through the exercise of mental coercion.

In the first paragraph of the chapter, the legal position of the person against whom coercion is used is considered, arguing the conclusion that he is always a person who suffered from the crime. Some references are also made based on an analysis of the criminological concept of the crime victim. The application of this interdisciplinary approach, when considering the problem, has helped to clarify it more fully and reveal a wider range of aspects that characterize it, which enriches scientific knowledge with the variety of characteristics and the depth of scientific research activity.

Paragraph two examines the criminal law significance of the behavior of the victim of mental coercion, and here again, the author has revealed the diversity in the manifestation of the issue, by proposing a developed classification system.

In the last section of the chapter, the specific means of protection of victims against whom mental coercion was exercised are examined. The existing specific means of protection of the person against whom the coercion is exercised are revealed. Of interest in this part is the thesis, motivated by the doctoral student, that the person against whom mental coercion is exercised can exercise his rights, provided for in the Criminal Procedure Code, not only when he has suffered from a resulting crime related to coercion, but also then, when the crime is of a simple, formal commission, in which damages are actually caused as a result of the coercion exercised, appearing as a direct and immediate consequence of the crime, but the same are not raised as a sign from its objective side.

Chapter four of the dissertation is "Crimes related to mental coercion as a basis for realizing the responsibility of legal entities". It is dedicated to the specifics of the responsibility of legal entities in the event of a crime related to mental coercion. In it, the doctoral student presented a classification of crimes related to mental coercion, for which administrative criminal liability is committed in accordance with Art. 83a et seq. of the Law on Administrative Violations and Penalties.

In the conclusion of the dissertation, the results of the study are summarized and the conclusions of the study are systematized, and recommendations based on the obtained results are presented.

3. Characteristics of the scientific and scientific-applied contributions in the dissertation work

The dissertation work has scientific contributions in the field of criminal law, which is evident from the characterization of its content. They can be summarized in the following main points:

- The dissertation research is an original monographic study in the field of mental coercion, as a form of criminal mental influence.
- Revealed and scientifically substantiated, through the subject of criminal law science, is the essence of mental coercion and its specific manifestation.
- The questions related to the forms of manifestation of the impact on the psyche of the victim and their classification, the peculiarities of the application of a number of institutes of the General part of the Criminal Code to the crimes related to the use of mental coercion were examined and analyzed.
- Made proposals de lege ferenda to supplement and improve the legislation providing protection from the discussed category of encroachments.

4. Conclusion

Doctoral student Rusi Viktorov Alexiev has in-depth theoretical knowledge in the field of criminal law and proven abilities for independent scientific research. The presented dissertation work "Mental coercion under the Bulgarian penal code" has the qualities of a significant scientific study.

The presented and argued scientific views of the doctoral student leave no doubt that the dissertation work is the result of serious work and personal contribution in the field of criminal law. The scientific research contains in-depth theoretical summaries and scientific contributions. They meet the requirements of Art. 6 of the Law on the Development of the Academic Staff in the Republic of Bulgaria and of Art. 27 of the Regulations for its application.

Given the positive evaluation of the presented dissertation work and taking into account the serious professional experience of the doctoral student, I emphatically give my positive evaluation and recommendation to the scientific jury to vote for the acquisition by Rusi Viktorov Alexiev of the educational and scientific degree "doctor" in the field of

higher education 3. Stopanski , social and legal sciences, professional direction 3.6. Law, scientific specialty "Criminal Law".

Reviewer:

Prof. Dr. Ivan Vidolov

Sofia

14.05.2023