

STANDPOINT

by Georgi Ivanov Mitov, doctor of legal sciences, professor at the Faculty of Law
of the Sofia University "St. Kliment Ohridski"

of Rusi Victorov Alexiev's dissertation work on the topic "Mental Coercion under
the Bulgarian Criminal Code"

doctoral student of independent training in the Department of "Criminal Sciences"
of the Faculty of Law of the Sofia University "St. Kliment Ohridski"

academic supervisor Prof. dr. Boris Velchev

for awarding the scientific degree "Doctor"

in the field of higher education: 3. Social, economic and legal sciences

professional direction: 3.6. Law

scientific specialty Criminal law

Dear members of the scientific jury,

By order No. RD 38-204/26.04.2023 of the Rector of Sofia University "St. Kliment Ohridski" I have been appointed as a member of the scientific jury for the defense of Rusi Victorov Alexiev's dissertation work on the topic "Mental coercion under the Bulgarian Criminal Code".

At the first meeting, held on 27 April 2023, the scientific jury assigned me to prepare an standpoint.

I. DATA ON THE DOCTORAL STUDENT AND THE DOCTORAL STUDENT

1. Rusi Alexiev graduated in Law in 1998 at the Faculty of Law of the Sofia University "St. Kliment Ohridski" and obtained a master's degree.

From 2001 to 2015, he was a prosecutor in the Sofia District Prosecutor's Office, after which he was a judge in the Sofia City Court. He is currently the deputy of the administrative head - the deputy president of the Sofia City Court and the head of the Criminal Department.

During the period from 2006 to 2017, he participated in many different forms of professional development in Bulgaria and abroad (symposiums, conferences, trainings, etc.) in the field of criminal justice and international cooperation in criminal cases.

2. From 01.02.2022 to 10.04.2023 he is a doctoral student of independent training in Criminal Law at the Department of Criminal Law Sciences of the Faculty of Law of the Sofia University "St. Kliment Ohridski".

Rusi Alexiev has successfully passed all the exams according to the curriculum. All the requirements for doctoral studies have been met - the final version of the dissertation was discussed at a meeting of the department, which received a positive assessment and the right to open a public defense procedure. The scientific jury that will assess the work and conduct the defense was chosen by

the Faculty Council of the Faculty of Law on the proposal of the Department of Criminal Law Sciences and was appointed by order of the Rector of Sofia University "St. Kliment Ohridski".

No violations were committed in the procedure for the realization of the dissertation and the public defense.

II. DISSERTATION DATA

1. The dissertation consists of a total of 218 pages, structured by content, abbreviations used, introduction, four chapters, conclusion and bibliography.

There are 242 footnotes in the work. The bibliography includes 98 titles, of which 83 are in Bulgarian and 15 in foreign languages.

2. The dissertation student's work is the result of purposeful and independent work and has originality. It corresponds to the requirements for a dissertation for awarding the educational and scientific degree "Doctor" according to the regulations.

On the topic of the dissertation - "Mental coercion under the Bulgarian Penal Code", studies have been done so far in the criminal law literature, but they were fragmentary and covered only some aspects of the issue. Therefore, the work represents the first comprehensive study of the issue under consideration and therefore appears to be a contribution to the development of this important theoretical and practical criminal law problem. This can be cited as an independent contributing point of the peer-reviewed work.

3. The dissertation is properly structured and includes an introduction, four chapters, a conclusion and a bibliography.

a) The relevance and importance of the topic are usually discussed in the introduction. The purpose and tasks of the scientific research are indicated.

b) The first chapter is devoted to the nature of mental coercion. With the clearer highlighting of the specifics of the mental criminal impact, similar

institutions were examined and the individual types of mental coercion were qualified.

Accordingly, the concept of mental coercion is defined. This can be defined as an independent contribution of the study.

c) In the second chapter, the issues related to the criminal liability of the person who exercised mental coercion are considered. The specific manifestations of this type of criminal impact in the various stages of intentional criminal activity, in the case of complicity, multiple crimes and the individualization of criminal responsibility of the perpetrator, have been analyzed. The rich practical experience of the dissertation student allows him to capture the complex practical problems that arise in practice and to seek their adequate resolution. This makes the work practically oriented and useful for legal practitioners.

d) The third chapter is devoted to the criminal law significance of the behavior of the person against whom mental coercion was exercised. This part is an interesting perspective of the study dedicated to the victim of this criminal behavior, the reflection of his actions on the criminal responsibility of the perpetrator and the specific procedural means for his protection. This part also shows the complexity of the research and the author's ability to multi-layered analysis of the problems under consideration.

e) Chapter four of the study examines crimes related to mental coercion as a basis for realizing the responsibility of legal entities. The particularities of the liability of legal entities in the event of a crime related to mental coercion have been investigated. And here the deep and complex approach of the author in considering complex practical and theoretical issues is evident. This part "increases" the utility of labor in a new direction - administrative punishment. Regardless of the fact that the issue is focused only on crimes related to mental coercion, questions related to the mechanism for benefiting legal entities, the peculiarities of the individualization of the property liability of legal entities and some special hypotheses that exclude the possibility of engaging property liability

are useful of the legal entity. This can also be listed as a standalone labor contribution.

f) In the conclusion, the results of the research are summarized and the most important conclusions are systematized. Proposals for improving the regulatory framework, argued earlier in the paper, are proposed.

III. SCIENTIFIC AND SCIENTIFIC-APPLIED CONTRIBUTIONS

I share the points of contribution indicated by the doctoral student in the abstract. Additionally, a few more general ones can be mentioned:

The dissertation research presented the first comprehensive theoretical work dedicated to mental coercion under the Bulgarian Penal Code. Therefore, it represents a significant theoretical contribution to the enrichment of criminal law theory. Consideration of a number of practical problems related to mental coercion gives the work practical significance. Therefore, I recommend the publication of the dissertation as a monograph in view of the possibility of reaching a wider range of readers.

In the work, the dissertation student, using a complex approach, investigates significant and important for theory and practice issues of the considered issue. In it, the author seeks a projection of the problems in and other, outside of criminal law, areas of law - criminology, criminal procedural law, administrative punishment and the responsibility of legal entities.

A successful attempt was made to develop a comprehensive model of mental coercion under the Bulgarian Penal Code by clarifying the main characteristics, essence, prerequisites and specific features of the various hypotheses. This enriches criminal law theory and the main conclusions deserve support. This aspect of the study is a significant contribution.

On the basis of the scientific conclusions reached, proposals *de lege ferenda* for changes and improvement of the regulatory framework have been made, which can be shared and supported.

The dissertation student provides convincing arguments in support of the advocated standpoints and to refute the criticized opinions in a correct tone of scientific controversy. The supported theses are substantiated and express the author's position. Bibliographic sources are correctly cited.

With this dissertation, Rusi Alexiev demonstrates in an indisputable way an ability to work with various literary sources, with judicial practice (of the Supreme Court of Cassation, the European Court of Human Rights and the Court of the European Union), as well as with domestic and foreign legislation. The research proves his good theoretical training and independence in the development of significant theoretical and practical problems.

The work is readable, properly structured, and this makes it easy to use. It is written in precise legal language.

IV. ABSTRACT DATA

The presented abstract is in a volume of 23 pages. The statement of contributions objectively reflects the content of the work and the main scientific achievements.

The abstract meets all regulatory requirements and correctly reflects the content of the dissertation by outlining the purpose, subject, tasks and scope of the research, the methodology used, the practical significance of the research and the results achieved.

V. PUBLICATIONS AND PARTICIPATION IN SCIENTIFIC FORUMS

Rusi Alexiev has three publications on the topic of the dissertation and three other publications, according to the presented reference:

1. Alexiev, R., Mental coercion on the criminal as a form of complicity under Bulgarian criminal law - newspaper: De Jure, 2021 (22), No. 1, 41 – 49;

2. Alexiev, R., Special circumstances of importance for the individualization of criminal liability for crimes related to mental coercion - newspaper: Contemporary Law, 2020, No. 3, 81 - 94;

3. Alexiev, R., Mechanism of favoring legal entities under Art. 83a of the Law on Administrative Violations and Punishments for Crimes Related to Coercion - In: The Reform in Administrative Punishment from 2020. Collection of Reports - S., UI "St. Kl. Ohridski", 2021, pp. 171 - 181;

4. Alexiev, R., Compilation of crimes involving coercion under Bulgarian criminal law (in press - newspaper: Law and coercion. Collection of reports from scientific readings held on 16 May 2022 - S., UI "St. Kl. Ohridski");

5. Alexiev, R., Importance of the behavior of the person against whom mental coercion was exercised, for the criminal responsibility of the perpetrator (in press - newspaper: Collection of reports from the National Scientific Conference held on 13 October 2022, dedicated to 110 years since the birth of Prof. Dr. Ivan Nenov and 90 years since the birth of Prof. Dr. Tseko Tsekov - S., UI "St. Kl. Ohridski") and

6. Alexiev, R., Legal nature of mental coercion - newspaper: De Jure, 2023 (in press).

VI. CONCLUSION

Based on the above, I believe that the presented dissertation work of Rusi Viktorov Alexiev on the topic "Mental coercion under the Bulgarian Penal Code" meets all the requirements of the Law on the Development of the Academic Staff in the Republic of Bulgaria, the Rules for its Application and the Rules for the Terms and Conditions for acquisition of scientific degrees and occupation of academic positions at the Sofia University "St. Kliment Ohridski". The composition contains scientific and scientific-applied results that represent an original contribution, reveals the deep theoretical knowledge of the author in the

specialty, as well as his abilities for independent scientific research and a creative approach to the issues included in the subject of research.

Therefore, I give my positive assessment and confidently suggest to the honorable scientific jury to decide on awarding Rusi Viktorov Alexiev the educational and scientific degree "Doctor of Law".

Sofia
09.05.2023

Gave the standpoint:
Prof. Dun Georgi Mitov