

## OPINION

by Assoc. prof. Dr. Boyka Ivaylova Cherneva,  
external member of a scientific jury regarding the award of  
educational and scientific degree "doctor" in the field of higher education  
3. Social, economic and legal sciences,  
3.6 Law (General Theory of Law), Order No. RD 38-573/03.10.2022

### **Procedure data**

Alexander Veselinov Dimitrov has submitted for discussion within the framework of a public defense procedure before a scientific jury a dissertation work on the topic "Guarantee and realization of subjective rights" for the acquisition of the ONS "doctor", professional direction 3.6 Law (General Theory of Law). The scientific supervisor of the dissertation student is Prof. Dr. Yanaki Stoilov. Alexander Dimitrov has acquired the right to defense after successfully completing the activities of the individual full-time study plan for the doctoral program 'Theory of the State and Law. Political and Legal teachings'. He has presented three publications on the topic of the dissertation work, which popularize scientific theses among the academic community and demonstrate the author's ability for academic writing and creating a scientific text: 1. Dimitrov, A. 'Predictable ad hoc legislation', 2021, ISSN 2682- 9606, 1-11; 2. 'Basis for unpredictable rules', Scientific readings on the topic 'Predictability of law', Collection of reports, SU 'St. Kliment Ohridski', ISBN: 978-954-07-5478-9, 2021, 168-184; 3. 'On a crack in the identity between offense and punishment'. The dissertation student has submitted an Abstract that clearly and correctly reflects the content of the dissertation work and consistently presents the scientific contributions in the field of the general theory of law.

The procedure for the defense of the dissertation work is carried out in compliance with the requirements of the Law on the Development of the Academic Staff in the Republic of Belarus (ZRASRB) and the Regulations for the Implementation of ZRASRB.

### **Dissertation data**

The dissertation is 226 pages long, of which 7 pages are a bibliography in Cyrillic and Latin. A Declaration of Originality is attached in accordance with the requirement of Art. 27, para. 2 of the Regulations for the implementation of the RSARB. Structurally, the work includes an introduction, three chapters and a conclusion.

The introduction emphasizes the relevance and importance of the topic. The theoretical construction of the work is presented in detail. The author is based on classical concepts for the determination of subjective law, but focuses on placing subjective law in the context of the social and institutional environment. The dissertation focuses on considering the effectiveness of law as the achievement of a socially significant goal - the realization of subjective rights. Thus, to a large extent, the notions of realization of the right and the realization of subjective rights coincide. The subject of consideration are the relations factual and due, legal and factual, normative and foreseeable, etc.

The subject of discussion in science are mainly questions related to the effectiveness of legislative and judicial activity. Alexander Dimitrov presents the mentioned topics in a general theoretical manner and joins the authors who define the implementation of law as a single legal concept and a connecting link between normativity and the achievement of socially significant goals. If we assume that the realization of subjective law is the main social and legally significant goal, then the effectiveness of law can be defined by constructing a concept for it - a thesis that I definitely share. *According to Alexander Dimitrov, the guarantee and realization of the right represents the achievement of the social result laid down in the subjective right. The topic of subjective law is placed in the context of questions about the effectiveness of law - an undeniably current and significant topic.*

The relevance of interdisciplinary research in modern science also emphasizes the importance of the topic of the dissertation work. More and more often, authors in law use the

methods of sociology, economics and psychology when studying the mechanisms for the realization of the idea of law. Argumentatively, Alexander Dimitrov uses the legal-sociological approach to achieve the goals and tasks of scientific research. He also uses psychological knowledge. The examination of the motivation of behavior in the realization of subjective rights is relevant and significant for legal science. Therefore, the dissertation uses two perspectives on law to create a comprehensive view of the effectiveness of law. On the one hand, he examines the relationship between the social environment and the law and uses the legal sociological approach, and on the other hand, he is interested in the mental processes that take place in the individual when choosing behavior for participation in legal life. The effectiveness of law is a legal-sociological concept and sets the topic of the social and institutional environment of its implementation. Thus, the author bases his theoretical research on the understanding of law as a social regulator that models the behavior of the individual in the context of social and institutional conditions. Alexander Dimitrov perceives the conceptual distinction between juridical and factual implementation of law. The necessity of achieving a social goal is combined with possibility as facticity.

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In the introduction, Alexander Dimitrov explains the research methodology in detail. It defines the purpose and tasks of the research. The goals, objectives and thesis are formulated. The main goal of the dissertation is the examination of the time, predictability and effectiveness of the

realization of subjective rights as a determining factor in the choice of behavior and participation in legal life.

In the separate chapters of the work, the dissertation examines various aspects of the guarantee and realization of subjective rights. The legal sociological approach is the basis of the construction of the concept of realization of law. On this theoretical basis, it examines motivation, which is more of a psychological aspect, and raises the question of the importance of institutions and their activity (legislative activity and administration of justice).

The first chapter '*Concept of implementation and guarantee of subjective rights*' is to the highest degree general theoretical and represents the methodological basis of the entire work. The realization of the rights, the guarantee of the rights, the effectiveness of the rules, the limits for the exercise of the subjective rights are defined.

The second chapter '*Behavioral Motivation*', is devoted to issues of behavioral motivation. Volitional behavior, the setting of legitimate goals, and decision-making are examined. In this way, the understanding of the subjective right as a legally valid will and a legally significant interest get a full explanation by discussing the effectiveness of the right. The conclusions are placed in the context of the development of the normative system. Again, the sociological approach is also used, as the person is seen as part of society (a concept closer to law than psychological concepts of law using will and interest).

The third chapter '*The problem of the institutional mechanism - the predictability of the system of rules as a condition for the effective implementation of subjective rights*' discusses the institutional aspect of the implementation of subjective rights. The dissertation student applies the general theoretical conclusions made in the first and second chapters of the work when considering the effectiveness of legislative activity and the administration of justice. Logically, the economic analysis of law also comes to the question, since economic indicators and criteria are an element of understanding the effectiveness of any activity. I particularly appreciate the way in which Alexander Dimitrov has contrasted and examined the relationship between a reasonable term and economic uncertainty.

The conclusion contains a summary of the conclusions and scientific contributions of the dissertation work in accordance with the requirements of the legislation. It also presents in summary

the structure of the work. The bibliography correctly and correctly describes the cited and used literature.

### **Scientific contributions**

Alexander Dimitrov has provided a Reference for the contributions within the Author's Abstract. I believe that the reference clearly and thoroughly reflects the contributory nature of the dissertation work. I will focus on several main contributions that definitely contribute to the development of the theory of law.

First of all, the concept of subjective right finds its explanation by placing the understanding of subjective right in a broad social and institutional environment, identified by the author as the realization of subjective rights. An answer was given to questions related to the stages of the realization of subjective rights, which were not the subject of comprehensive consideration in Bulgarian legal science. Contribution represents the expressed view, the guarantee and realization of the right represents the achievement of the social result laid down in the subjective right.

In the second place, I especially like it and I think it is a significant contribution to the development of the theory of law, considering the connections between the realization of subjective rights and the realization of law.

Thirdly, an important contribution is the examination of the realization of subjective rights through the topic of law effectiveness and predictability. The qualities (effectiveness) of the legislative activity and the administration of justice find a general answer by considering the time, predictability and effectiveness of the realization of subjective rights.

Fourthly, the dissertation offers a comprehensive system of concepts based on the application of mainly a legal sociological approach: realization of law, effectiveness of law, effectiveness of the legal system, guarantee of subjective rights, realization of subjective rights and others. The concepts are built in a logical sequence and define the relationships between the studied phenomena. For example, the concept of 'subjects of law' is used as a unifying concept.

Fifthly, the dissertation student has achieved the goal set in the dissertation by determining the time, effectiveness and predictability of the realization of subjective law as the main motivation for choosing behavior and participation in legal life.

A number of other theoretical and practical contributions can be cited. The work is general theoretical and is developed at the corresponding abstract level of concepts and explanations, but the author examines the effectiveness and predictability of legislation. He also discusses the effectiveness of judicial activity and the risk of error in making judicial decisions, which is a problem of both psychology and error theory through an analysis of human cognitive abilities. The analysis and criticism of judicial practice is a practical-applied contribution, and the examination of the practice of the European Court of Human Rights gives completeness to both theoretical and practical-applied contributions. The topic is of course assumed, but the work clearly shows the author's belief in the applicability of the theoretical conclusions.

#### **Other notes and questions**

I would like to encourage Alexander Dimitrov to continue his work on the problems posed in the dissertation work, deepening the research by studying the possibilities of more comprehensive use of psychological knowledge for further development, if he deems it necessary. Related to this recommendation is the question I would like to address to the dissertation student: 'Is the Theory of Errors, substantiated by psychologists and economists, applicable in law when discussing the effectiveness of the judicial system and the reduction of judicial errors in view of the realization of subjective rights?'

#### **Conclusion**

The opinion expressed regarding the qualities of the dissertation work on the topic 'Guarantee and realization of subjective rights' gives me the reason to formulate a "HIGH POSITIVE ASSESSMENT" for the scientific value of the contributions in the field of the theory of law. Alexander Dimitrov demonstrates the ability for theoretical thinking, generalizations and conclusions, as well as the ability to apply theoretical constructions in solving practical-applied questions.

Given the high positive evaluation, I propose that the scientific jury decide to award Alexander Veselinov Dimitrov the educational and scientific degree 'Doctor' in the field of higher

education 3. Social, economic and legal sciences, professional direction 3.6 Law, doctoral program  
'Theory of the state and the law. Political and Legal doctrines'.

01.12.2022 г.

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