

# STANDPOINT

from **Prof. Dr. Rumen, Petrov Vladimirov**, lecturer in criminal and international criminal law, member of the scientific jury, appointed by order No. ПД - 38 -204 / 26.04.2023 of the Rector of Sofia University "St. Kliment Ohridski" /SU/;

On a dissertation work for awarding the educational and scientific degree "Doctor", in the field of higher education 3. Social, economic and legal sciences, professional direction 3.6, doctoral program Criminal law;

Abstract: **Rusi Viktorov Alexiev**, doctoral student of self-study in the department of "Criminal Law Sciences" at the Faculty of Law /FL/ of SU. Dissertation topic: "**Mental coercion under the Bulgarian Criminal Code**";

Academic supervisor: **Prof. Doctor of Law Boris Vladimirov Velchev**.

When complying with the provisions of the Law on the Development of the Academic Staff in the Republic of Bulgaria, the Regulations for the Implementation of the Law on the Development of the Academic Staff in the Republic of Bulgaria and the internal rules of SU regarding the procedure for the defense of dissertations, the following can be noted:

## **1. General presentation of the dissertation and the doctoral student.**

The administration of SU and FL has provided the required documents and materials /dissertation, abstract, references, declarations, etc./ for the lawful course of public protection. From the attached reference, it is clear that on the subject of the dissertation /separately or as parts of it/ 6 articles have been published /or are under print/ in our reputable sources.

The dissertation itself has a total volume of 218 pages. They contain: table of contents, abbreviations used, introduction, four chapters, conclusion and list of references. It lists 98 titles in Cyrillic and Latin, and references in the text below are 242. The exposition in the chapters is differentiated into separate paragraphs, some of which are further distinguished by separate points.

Following the above structure, in short, the following can be noted:

**The introduction** emphasizes the topicality of the topic. Despite the publications of some well-known researchers of ours, it appears that a comprehensive and comprehensive presentation of the problem was not reached,

both through the prism of the general part and through that of the special part of criminal law.

**Chapter One** is titled "The Nature of Mental Coercion," and it contains three sections. The first refers to its legal essence, in the second a demarcation of mental coercion is made from other similar criminal law institutes and from close criminological categories, while in the third paragraph the types of mental coercion are interpreted according to different criteria.

**Chapter Two** is entitled "Criminal Legal Significance of the Exercised Mental Coercion on the Liability of the Offender". In connection with this, the opening paragraph logically traces the specifics of its manifestation in the stages, complicity, the totality of crimes, as well as in the individualization of criminal responsibility. In the second paragraph, the types of crimes where the perpetrator used mental coercion are identified and briefly discussed.

**The third chapter** is called "Criminal significance of the behavior of persons against whom mental coercion was used." This chapter contains three sections - on the legal characteristics of the behavior of the coerced person, on the meaning of this behavior, as well as on the specific means of protection of the injured persons from this type of coercion.

**The last chapter four** has the title: "Crimes related to mental coercion as a basis for realizing the responsibility of legal entities" and contains four paragraphs. The first is dedicated to these types of crimes, when and to the extent that they were committed by legal entities. In the second, the mechanism for benefiting from their implementation is presented. The third paragraph refers to the individualization of responsibility for these persons when committing any of the considered crimes. And the fourth paragraph is devoted to the issues when it was acted in the conditions of a circumstance excluding responsibility.

Finally, **the conclusion** draws some conclusions from the study. The author has also made relevant recommendations for the transposition of specific delayed EU acts. De lege ferenda proposals have also been made, in the compositions of a number of the considered types of crimes / for example, Art. 159, para. 3, 174, 189, 225c, para. 1, 280, 289 and 297 of the Criminal Code/ to provide for the use of coercion as a qualifying feature. It is also proposed to carefully reconsider the provision of Art. 83a of the Law on Administrative Violations and Penalties, where specific types of crimes with the use of coercion are to be foreseen, including those committed under the conditions of totality.

After the short description of the dissertation work, one for the doctoral student should also be indicated. As can be seen from the presented autobiography, he was born in 1975 in Sofia. From 1993 to 1998 he completed higher education in the Master's specialty "Law". In the judicial system, his work experience began in 2001 at the Prosecutor's Office of the Republic of Bulgaria, where he worked until July 2015. Immediately after that, he was elected and appointed as a judge in the Sofia City Court, criminal division with the rank of Supreme Court judge Court of Cassation. He is currently deputy Chairman of the Sofia City Court and head of the Criminal Division.

## **2. Evaluation of the dissertation work.**

In the presented dissertation, various types of contribution and contribution moments with varying degrees of scientific and especially practical value can be established. The topic itself is difficult and complex enough, besides having interdisciplinary dimensions.

First of all, some of the presented author's contributions should be shared, which are contained in the conclusion of the work and in the abstract. Specifically, it should be mentioned the proposed *de lege ferenda*, in the compositions of some of the considered types of crimes, to provide for the use of coercion as an additional qualifying feature. The author has called for attention to be paid and the provisions of Art. 83a et seq. of the Law on Administrative Violations and Penalties, where other specific types of crimes are to be listed, including when they were committed under the conditions of totality. It is also worth supporting the recommendations made for the full transposition of the relevant 2012 EU Directive, as well as the Framework Decision for the creation of a national body in connection with the so-called restorative justice.

Upon familiarization with what is written in the dissertation work and the manner in which theses are presented, the reader immediately understands that the doctoral student is a qualified practicing lawyer. This is also evidenced by the presentation of the issues itself, which, however, should be more animated, flexible and without repetitions, so that the treated problems can be examined in more depth. Unfortunately, the approach used emphasizes qualification and examples instead of the essence of categories and institutions and their specific manifestation in crimes involving the use of mental coercion against another person. Separately, it can be noted that the scientific apparatus used is relatively insufficient, especially as regards chapter two. In general, for the publication of the dissertation work as an independent monographic study, it turns out to be

necessary to make a complete and radical scientific and stylistic editing, for which I make the relevant recommendation.

### **3. Conclusion.**

It must be categorically and clearly emphasized that the analysis made on the problems of the subject of the dissertation work and the achieved scientific results significantly outweigh the admitted shortcomings. Undoubtedly, considerable work and efforts have been made to develop at a sufficient scientific level the complex and multifaceted topic of mental coercion that affects the freedom of expression of another person. It should be noted that on the basis of his theoretical training and especially the solid practical prosecutorial and judicial experience, the author has fulfilled the set scientific goals and tasks, as well as the requirements of the Law on the Development of the Academic Staff in the Republic of Bulgaria, the Regulations for the Implementation of the Law on the Development of the Academic Staff in the Republic of Bulgaria for training in a doctoral program. That is why I believe that the dissertation work of the doctoral student Rusi Alexiev should be given a **positive evaluation** for the acquisition of the educational and scientific degree "**Doctor**" in criminal law.

15.05.2023

Sofia

Respectfully Yours: .....

/ Prof. Dr. Rumen Vladimirov /