

OPINION

by Assoc. Prof. Denitsa Georgieva Topchiyska

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Scientific specialty: associate professor in the field of higher education 3.Social, economic and legal sciences, professional field 3.6. Law (Theory of State and Law)

on the dissertation of Lyubomir Petrov Stoyanov

on the topic: '**SPECIFICITIES OF THE PROCEDURAL LAW**'

submitted for the acquisition of the educational and scientific degree "Doctor" in the professional field 3.6. Theory of State and Law. Political and Legal Studies (General Theory of Law)

Reason for submitting the opinion: participation in the composition of the scientific jury for dissertation defence, formed by Order № RD-38-63 of 31.01.2024 of the Rector of Sofia University "St. Kliment Ohridski".

Dear members of the scientific jury,

As a member of the scientific jury, appointed by Order No. RD-38-63 of 31.01.2024 of the Rector of Sofia University "St. Kliment Ohridski" for the evaluation of the dissertation work of Lyubomir Petrov Stoyanov with the title "Specificities of the Procedural Law" from the Department "Theory and History of State and Law" of the Faculty of Law of Sofia University " Art. 10, par. 1 of the Academic Staff Development Act in the Republic of Bulgaria and Art. 32, par. 1 of the Regulations for the Implementation of the Academic Staff Development Act in the Republic of Bulgaria (RIASDARB).

In accordance with the requirements of the ASDARB and the RIASDARB for the acquisition of the degree of "Doctor", the candidate has submitted a dissertation and 4

scientific publications in Bulgarian to the scientific jury. The dissertation complies with the formal requirements laid down in Article 27(2) of the RIASDARB.

1. General characteristics of the submitted dissertation

The dissertation on the topic "Specificities of the Procedural Law" is 254 pages long. Its structure comprises an introduction, three chapters, a conclusion and a bibliography in Cyrillic and Latin (116 titles). The sources used are sufficient for a comprehensive and argumentative academic study.

The introduction of the dissertation convincingly justifies the topicality of the scientific research, stressing the need for a general theoretical approach to the analysis of the concept of "procedural law". **In the first chapter** the author defines the theoretical basis - ontological framework for his research and defines its task, methodology and object. The author places his research in the context of the General Theory of Law and sets himself the task, having determined the normative features common to all procedural phenomena, to clarify and further develop the concept of "procedural law" on the basis of them. The author points the juridical method as the main method of the research, in which the legal norm is used as a main scheme of interpretation. In addition to it, for the accumulation of the necessary initial data for the research, the dissertation is based on the historical, sociological and philosophical method. The author points to the construction of the procedural legal phenomenon as the object of his research, which includes the derivation of a working and definitive concept of a procedural legal norm on the basis of which to indicate and clarify the features of the procedural legal phenomenon. I believe that the framework of the scientific research thus defined by the dissertator, as well as the methodology used by him, meet the specifics of general theoretical research and are a prerequisite for reaching valid general theoretical conclusions on the specifics of the procedural law.

In the first chapter, the author reviews the main theoretical views on the nature of the division of law into substantive and procedural, justifiably pointing out that most authors make the distinction on the plane of their functionality in the legal order. In view of the conclusion drawn, the author develops a working concept of a procedural legal norm that reflects its specific functions. At the basis of the working definition, the author places Hart's theoretical views on the division of legal norms into primary and secondary, insofar as the basis of this classification is the functional feature. In order to evaluate the presented research, it should be pointed out that in the course of the analysis, the dissertation offers its

own interpretation of Hart's theory, pointing out that primary and secondary norms are in a system to metasystem relationship and assuming that procedural norms are part of the set of secondary norms.

The second chapter of the dissertation is devoted to the analysis of procedural law in the context of the broader notion of legal procedures. The author analyses scholarly theses that assume that "beyond the set of substantive legal norms, there is another set that is considerably broader and contains norms that do not conform to the traditional understanding of procedural law." Arguments in the same direction, namely that the division of the norms of objective law into substantive and procedural is not exhaustive, the author also draws from the analysis of case law. Particular attention is paid by the dissertator to the theory of the Russian scholar Protasov, which, in his opinion, offers a more systematic and extensive conceptual apparatus and proves that in the sphere of private law can also be found phenomena which, due to their procedural nature, reveal certain similarities with procedural ones. At the same time, he rightly notes that these phenomena also reveal significant differences from the classical understanding of procedural, primarily due to their private law nature.

In this context, the author aims to derive a generic concept for all norms that reveal a certain procedural nature. On the basis of the derived concept, the author proposes a classification of legal procedures, to which he relates the working concept of procedural legal norm. The author's suggestion that the intraspecies distinction of procedural from other legal norms should be based on the forms of realization of law should be supported, insofar as they are distinguished on the basis of specifics of the norms that are realized through them. In this context, the author also proposes his own systematics of the forms of realization of law, assuming that the realization of law is carried out through three direct (obedience, execution and use) and two indirect (law implementation and creation of legal norms outside the activity of law implementation) forms.

On the basis of the conclusions drawn, the dissertation draws the signs of the final notion of procedural legal norm, which it adopts, and which definitively forms the procedural legal phenomenon - the object of the dissertation research. As a conclusion, the author assumes that the procedural legal norm is "a type of procedural, public-law norm, that belongs to a system of norms, the hypotheses of which contain juridical facts, that in their unity, build up a dynamic group of juridical facts." Although the proposed definition could be

the subject of scholarly discussion in terms of its scope, as well as the individual elements included in it, I believe that the author has managed to successfully arrive at a definition of the procedural law norm in the context of the broader generic concept for all norms that reveal a certain procedural nature.

In the third chapter the dissertation discusses the specificities of the procedural-legal phenomenon, adopting as the theoretical-interpretive framework of the study the concept of legal phenomenon of prof. Venelin Ganev. Within the framework of this chapter, the dissertation reaches reasoned conclusions on the specificities of the elements of the procedural legal phenomenon, including with regard to juridical facts, legal consequences, legal entity, the object of right, the legal norm and the sanction.

In the **conclusion**, the scientific theses are correctly presented in a summary and scientific contributions are outlined.

2. Evaluation of scientific and applied contributions

The presented dissertation contains a number of scientific contributions.

The methodology proposed, argued and applied by the dissertator for research and definition of legal concepts, based entirely on legal method, is a contribution in the field of general theory of law. Within the dissertation the applied methodology has enabled the author to reach new, scientifically justified conclusions concerning the investigated issues.

As a contribution to the science of general theory of law can be highlighted the definition of the procedural legal norm in the context of the broader, generic concept for all norms that reveal a certain procedural nature, as well as the conclusions of the dissertator regarding the specifics of the procedural legal phenomenon.

The conclusions reached by the dissertator regarding the systematization of legal procedures, as well as the proposed notions of procedural factual composition, generic concept for all norms that reveal a certain procedural nature and procedural norm, also constitute a scientific contribution. The conclusions reached also have a practical-applied character with regard to the process of law enforcement.

The above scientific contributions are the author's merit. The used literature is cited correctly.

3. Evaluation of publications on the dissertation topic

The dissertator presents 4 articles in Bulgarian, related to the topic of the dissertation, which have been published in scientific journals specialized in law. The authors abstract also points to one abstract of his statement in a Russian scientific publication. The publications reflect the author's interest in the topics covered in the dissertation, as well as his capacity for scholarly discussion.

4. Evaluation of the abstract

An Abstract of 31 pages has been submitted in the framework of the procedure, in which the structure and content of the thesis are summarized. The main highlights of the dissertation are highlighted and the scientific contributions are indicated. The abstract correctly reflects the content of the submitted dissertation.

5. References

In view of the scientific contributions of the presented dissertation, as well as the clear, precise and well argued presentation of the theses and ideas, I would recommend its publication. I also believe that the research could be continued with a view to analysing the macrostructure of objective law within which procedural law operates.

6. Conclusion

The dissertation work "Specificities of the Procedural Law" contains scientific and scientific-applied results that represent an original contribution to science and meets the requirements of ASDARB and the RIASDARB. The achieved scientific contributions show that Lyubomir Petrov Stoyanov possesses the necessary in-depth theoretical knowledge and the ability for independent theoretical thinking in the scientific specialty "Theory of State and Law".

On the basis of Art. 10, par. 1 of the ASDARB and Art.32, p. 1 of the RIASDARB I give my positive evaluation for the submitted dissertation.

I propose the scientific jury to award the degree of „Doctor” to Lyubomir Petrov Stoyanov in the field of higher education 3. "Social, Economic and Legal Sciences", professional field 3.6. Law (Theory of State and Law. Political and Legal Studies (General Theory of Law)

5.03.2024.

Prepared the opinion:

Sofia

Assoc. Prof. Denitsa Topchiyska