

To: The Academic Jury  
Approved by Order RD-38—377/21.07.2021,  
amended by Order RD-38-406/28.07.2021,  
issued by the Rector  
of Sofia University “St. Kliment Ohridski”

### **PhD Thesis Opinion**

By Assoc. prof. Izabela Georgieva Chakarova-Dimitrova, PhD  
An associate professor in administrative law and administrative procedure at the  
Faculty of Law of the University of Veliko Tarnovo “St. Cyril and St.  
Methodius”

on

The Dissertation Thesis

of

**Stoyan Panayotov Ivanov,**

An unsupervised PhD Candidate on an individual plan  
At the Department of “Theory and history of the state and law”  
At the Faculty of Law of Sofia University “St. Kliment Ohridski”

Entitled:

**“Companies of Publicans”**

Submitted for the award of the educational and scientific degree “Doctor”,  
Field of higher education 3. *Social, economic and legal sciences*, professional  
direction 3.6 *Law, (Roman Private Law)*

Dear Mr. Chairperson,

Dear Members of the Academic Jury,

By virtue of Order RD-38—377/21.07.2021, amended by Order RD-38-406/28.07.2021, issued by the Rector of Sofia University “St. Kliment Ohridski”

I am appointed as a member of the Academic Jury on the defence of the PhD Thesis of the doctoral candidate Stoyan Panayotov Ivanov entitled: “Companies of Publicans” whereby at the first meeting of the Academic Jury I was assigned the preparation of a PhD thesis opinion.

## **I. Data on the PhD Candidate and the Dissertation**

Stoyan Panayotov Ivanov is a law graduate at the Faculty of Law of Sofia University “St. Kliment Ohridski” (2007-2012). From August 2010 to April 2011 he participated in an Erasmus educational mobility programme at the Faculty of Law of the state University of Milan. He took part in the project “Imperial Constitutions Issued in Serdica”/ *De constitutionibus principum Serdicae datis* under the authority of Prof. Malina Novkirishka-Stoyanova, PhD (2012). From 21 September until 23 November 2015 he did a specialisation course in UNIDROIT – International Institute for the Unification of Private Law in Rome, Italy. He has taken part in other educational programmes, projects and scientific research studies listed and described in detail in the submitted Curriculum Vitae.

Since 2014 Stoyan Panayotov Ivanov is initially a part-time assistant subsequently becoming a full-time assistant in the discipline of Roman Private Law at the Department of “Theory and history of the state and law” At the Faculty of Law of Sofia University “St. Kliment Ohridski” (Order RD 20-1705/29.10.2018, issued by the Rector of Sofia University “St. Kliment Ohridski”).

The PhD candidate fulfills the curriculum requirements of the Roman Private Law doctoral programme within the term of his studies. Following a successfully conducted preliminary examination of the dissertation, it is approved for a public defence procedure.

The doctoral candidate presents the requisite documents in compliance with the *Law for the development of academic staff in the Republic of Bulgaria*

and its implementing regulations. There are no infringements in the procedure for the award of an educational and scientific degree “Doctor”.

The doctoral candidate, Stoyan Ivanov, complies with the national requirements under art. 2b, para. 2 and 3 of the *Law for the development of academic staff in the Republic of Bulgaria*. In addition to the submitted dissertation thesis, the doctoral candidate has also met the condition for 30 scientometric points from publications in referenced and peer-reviewed editions, registered in the National Reference List of NACID. The reference of the individual scientometric indicators establishes that the doctoral candidate has more than the minimal number of points for the award of the educational and scientific degree “Doctor” in the professional direction 3.6 *Law*. For the purposes of the current procedure only three of his numerous publications meeting the requirements are listed here, as follows:

- *„Изучаването на института на публиканите – пример за обвързване на общественно-икономическата история с правното регулиране“* – IUS ROMANUM, 2016, № 2, с. 537-558, (ID № 1752 в Националния референтен списък на НАЦИД);
- *„Вътрешната организация на дружествата на публиканите според речите на Цицерон срещу Гай Верес“* – IUS ROMANUM, 2018, № 3, с. 11-28, (ID № 1752 в Националния референтен списък на НАЦИД);
- *„Санкции за административни нарушения според Митническия закон за римската провинция Азия“* – В: Научни четения на тема Санкциите в правото. Сборник с доклади от научна конференция, посветена на 140-ата годишнина от приемането на Търновската конституция, организирана от катедра „Теория и история на държавата и правото“ и катедра „Наказателноправни науки“ на ЮФ на СУ, 15-16 април 2019 г. – София: УИ „Св. Климент

Охридски“, 2019, с. 304-319, (ID № 3798 в Националния референтен списък на НАЦИД).

## **II. Data on the dissertation thesis and abstract**

The dissertation thesis entitled: “The Companies of Publicans” comprises 365 pages, title-page, contents, main part and bibliography. The structure of the main part includes an introduction, three chapters and a conclusion. The doctoral candidate has used 1029 footnotes. In his thesis, Stoyan Ivanov refers to a host of Bulgarian and foreign academic research studies by presenting and citing them as per the requirements. The Latin and Greek texts used in the dissertation are indicated in compliance with the classical texts system of reference.

The presented abstract corresponds to the contents of the dissertation. The abstract also presents the dissertational contributory moments.

## **III. Content and general evaluation of the dissertation thesis.**

The introduction sets forth arguments in support of the relevance and importance of the chosen topic, specifies the subject of research, the research objectives, methodology and structure of the dissertation thesis.

*Chapter One* considers the various preconditions in the light of the social and political situation in Rome in the period of the Republic, which necessitated the emergence of the publican companies. In the course of the research the notions of “a publican” and “companies of publicans” are elucidated. *Chapter One* comprises a brief overview of the sources providing data about the companies of publicans on which basis conclusions are drawn about the legal regulation in the different periods of their existence. An important place in this part of the dissertation is given to considering the different types of publican activities.

*Chapter Two* of the thesis encompasses the clarification of the notion of “company” in Roman law, the essence of the contract of partnership as well as the analysis of the separate forms of partnership which existed in Rome. The distinctions outlined between them are of high significance for the dissertational study.

*Chapter Three* focuses on the legal aspects of the publican activity. The doctoral candidate clarifies the notion of *ultra tributa*. Next, the mechanism of public contract assignation through public auctions is considered in detail as well as the advantages associated with it. The notions of *lex locationis* and *lex censoria* are defined. The final parts of this chapter offer a detailed examination of the preserved laws regarding the publicans’ activity, whereas particular attention is paid to those in the Customs law of the Roman province of Asia, which allows for the elucidation of the different means used by publicans with respect to debtors, such as *commisum*, *pignoris capio*, etc.

The dissertational study in its entirety has to be given a positive assessment. The scientific thesis demonstrates the candidate’s excellent theoretical preparation on the chosen topic, a thorough examination of the academic works by Bulgarian and foreign authors, as well as in-depth knowledge of the sources related to the subject of the dissertational study. The presented dissertation thesis complies with the requirements of the *Law for the development of academic staff in the Republic of Bulgaria* for the award of the educational and scientific degree “Doctor”.

The dissertation thesis is demonstrative of the fact that the doctoral candidate, Stoyan Ivanov, possesses in-depth theoretical knowledge in the respective specialty and abilities for conducting independent scientific studies.

#### **IV. Scientific contributions.**

The current dissertation thesis is the first integral independent piece of research in Bulgarian legal theory on the companies of publicans. The scientific thesis considers the publican companies on the basis of the preserved sources in the light of the era which led to their emergence as well as the legal aspects of their activity.

The thesis possesses specific contributory points some of which being as follows:

- A thorough examination of the preconditions which necessitated the emergence of the publicans' activity;
- The argumentation regarding the thesis that publican companies, being a specific form of partnership, come closer to personified organisations of physical persons in Roman law;
- The candidate's own definitions of a number of notions with varying and equivocal interpretations contribute to the development of the legal science and introduce clarity in the terminology used (e.g. the presented definitions and terminology clarifications for *ultra tributa*, *lex locationis*, and *lex censoria* among others);
- The comparisons and critique of the attempts in romanistics for direct implementation of the Roman law concepts in relation to the modern concepts of public enterprise, commercial companies, concessions, procurements, public contracts, etc.;
- The conclusion, albeit with some reservations, that the companies of publicans can be considered the prototype of modern commercial companies;
- The detailed analysis of the public auction procedure in Rome.

The above-listed scientific contributions do not comprise the entire set of the dissertation contributions. They come to the fore as more significant for the development of the legal science.

The doctoral candidate, Stoyan Ivanov, has provided for the procedure for the award of the educational and scientific degree “Doctor” his own published papers (part of which listed above). The papers are on the topic of the dissertation or are directly related to it and present part of the contributions of the dissertation thesis.

The dissertation and the papers demonstrate the requisite scientific level, the candidate’s in-depth theoretical preparation in addition to his potential for future academic development.

## V. Conclusion

**The assessment of the dissertation thesis assigned to me for an opinion is positive. Stoyan Panayotov Ivanov has presented for defence a comprehensive and completed scientific thesis.** The same complies with the requirements of *Law for the development of academic staff in the Republic of Bulgaria* and its implementing regulations. **Therefore, I unreservedly give a positive assessment to the dissertation thesis entitled: “Companies of Publicans”** and I propose that Stoyan Panayotov Ivanov be awarded the degree “Doctor” in the field of higher education: 3. *Social, economic and legal sciences*, professional direction 3.6 *Law, (Roman Private Law)*.

Member of the Academic Jury: \_\_\_\_\_

/Assoc. prof. Izabela Chakarova-Dimitrova, PhD/

25.08.2021

Veliko Tarnovo