

REVIEW

From

Prof. Dimitar Radev Radev, DJSc.

University of National and World Economy, Sofia,

on the dissertation for PhD degree , submitted by *Lyubomir Petrov Stoyanov*

Reason: By an Order No. RD-38-63/31.01.2024 of the Rector of the Sofia University "St. Kliment Ohridski", I have been appointed as a member of the scientific jury in the procedure of public defence of the dissertation submitted by Lyubomir Petrov Stoyanov for the acquisition of the educational and scientific degree "*Doctor*" in Social, Economic and Legal Sciences, professional field 3.6. Law (Theory of State and Law. Political and Legal Studies (General Theory of Law).

I. General about the dissertator and the dissertation.

1. Personal characteristics of the dissertator.

Lyubomir Petrov Stoyanov was born in 1988 in Pernik. He graduated in Law in 2014 at the Faculty of Law of the UNWE, Sofia. During his studies as a student he has also held a number of internship positions in the SRC, ACSC, MoF, National Assembly of the Republic of Bulgaria and in a law firm. In 2016 he worked as a junior expert at the Ministry of Labour and Social Policy. Since 2017, he has been a practicing lawyer. On 01.11.2016 he was enrolled as a full-time PhD student at the Faculty of Law of the Sofia University. "St. Kliment Ohridski", Department of Theory and History of State and Law. His scientific supervisor is prof. Daniel Vassilev Valchev. His scientific and teaching activities preceded his enrolment as a PhD student. From 2015 to 2018 he taught at the Academy of the Ministry of the Interior. Since his enrolment as a full-time PhD student, Lyubomir Stoyanov has been teaching seminars in the General Theory of Law course at the Faculty of Law of the Sofia University "St. Kliment Ohridski".

2. General characteristics of the thesis.

The topic of the dissertation is "Specificities of the Procedural Law". The presented dissertation is 254 pages long, structured in an introduction, three chapters and a conclusion, followed by a bibliography. The work contains 625 footnotes, almost all of which are references to other authors. The remainder (several dozen notes) are author's clarifications and references to various parts of the thesis. They contribute to the clarity of the exposition and highlight the different levels of interconnectedness between specific theses in the work. Through them, the author has also avoided numerous repetitions that would have unnecessarily burdened the text. All citations in the dissertation are fully relevant, are subordinate to the aims of the presentation and show that the dissertator has thoroughly read and adequately used the relevant scientific literature in Bulgarian, English and Russian.

2.1 *The introduction* poses the problem of the specificities of the procedural law. According to the author, the classical general theoretical approach to the problem has two distinctive features - the definition of procedural law by its distinction from substantive law and the use of mainly generalized knowledge from the branch-procedural law disciplines. The author has reflected on the limitations of these two features of classical approaches in order to accommodate and overcome them in constructing his own methodology. To this end, an in-depth analysis of the reasons that outline the two characteristics has also been made.

2.2 *Chapter one of the dissertation* deals with procedural law as an object of study of the General Theory of Law. In § 1 the dissertator has presented the ontological framework, the task, the object and the methods of its research. The application of the methodology begins in *the second paragraph*, where the author has made a selection of source data on the basis of which, further, he builds his working concept of procedural law rule. He has proposed a view of the origin of the division of law into substantive and procedural as a theoretical construct. Criteria for grouping the main opinions on the nature of the division of law into substantive and procedural are outlined. One of the important conclusions determining the direction of the study is that most authors conduct the distinction on the basis of the specific functions that substantive and procedural law perform in the legal order. In § 3, the dissertator has set out a working definition of the concept of procedural law, taking into account his previous conclusions and interpreting the relationship between substantive and procedural norms in the context of Hart's division of norms into primary and secondary. Thus, as a working hypothesis, he has held that procedural norms are secondary, public norms with a law-implementing. In the next chapter of the thesis, this definition is subjected to rigorous scrutiny, because already in deriving it, the author has established that, outside the set of

procedural norms, there remain private law norms which can also be assumed to reveal a certain procedural nature.

2.3 *Chapter II* of the dissertation is entitled "*Procedural Law in the System of the Juridical Procedures*". The *first paragraph* analyses the views of some authors who also assume that there are other norms of a procedural nature outside the set of substantive law norms, which do not correspond to the traditional understanding of procedural law. With the existence of these norms, the dissertator has justified the need for a generic concept that covers all norms revealing a certain procedural nature. The aim is, in the context of this concept, to make a species classification of legal procedures and to establish to which of them procedural law norms refer. The generic concept that covers all norms revealing a certain procedural nature is set out in § 2. In the last, *third paragraph* of this chapter, a classification of juridical procedures is proposed, to which the working concept of a procedural norm, derived in the previous chapter, is also related. Based on this, the *final concept of a procedural-legal norm* is defined, according to which these are a type of procedural, public-law norms that belong to a system of norms, the hypotheses of which contain juridical facts, that in their unity, build up a procedural group of juridical facts.

2.4 In *Chapter III* of the dissertation, using the definition of a procedural legal norm, the dissertator has examined the characteristics of the individual elements of the legal phenomena that these norms construct. In § 1 the author's view that according to Venelin Ganev sanction is an essential, necessary and independent element of any legal phenomenon and the dissertator's view on the division of law into substantive and procedural are developed in detail. In § 2 the specificities of each of the elements of the procedural legal phenomenon are presented.

II. Discussion of the publications and abstract submitted with the dissertation.

The PhD candidate has submitted five publications related to the dissertation topic. In chronological order these are: Report „*The Procedural Norms in the Context of the Classification of Norms of Primary and Secondary*”, Collection of the reports of scholarly readings: “Legal Norms and Legal Principles”, Sofia, 2017, University Press „St. Kliment Ohridski“, p.521-532; Report „*A Distinction Between the Procedural and Substantive Law by Analyzing Their Purpose in the Process of Legal Regulation*”, Collection of the reports of a scientific conference „Current Problems of Legal Regulation of Business ”, Sofia, 2019,

Publishing Complex – UNWE, p.321-331; Report „*Procedural Law and Juridical Procedure*”, Collection of the reports of scholarly readings: „Law and Borders“, Sofia, 2018, University Press „St. Kliment Ohridski“, p.128-136; Summary of speech „*The importance of procedural law for the mechanism of legal regulation in modern legal systems*“, placed in Korotkova's Scientific Message „Quo Vadis, Justitia? Development of legal systems from the perspective of law faculties“, Journal “State and Law”, 2019, № 9, p. 166; Report „*The Sanction as an Element of the Legal Phenomenon of Prof. Venelin Ganev*”, Collection of the reports of scholarly readings: “Sanctions in the Law”, Sofia, 2019, University Press „St. Kliment Ohridski“, p.164-176.

After a detailed reading of them, I believe that each of the listed publications addresses key points of the dissertation's issues and in a significantly developed and refined form, the logic of each of them has found its place in the dissertation's final work.

In accordance with the formal requirements, an *abstract* is presented with the dissertation, which correctly and in a synthesized order, presents the issues, structure and content of the dissertation, its main theses and contributions, according to the author.

III. Positive aspects of the thesis and main contributions.

The dissertation is distinguished by clearly defined and original methodological positions. In choosing them, a successful attempt has been made to take into account the limitations of previous approaches to the problem and to propose an alternative one. Each of the theses in the dissertation is actually derived through the methodology adopted. This has been done with logically coherent, clear and traceable arguments. In the course of applying his methodology and reasoning, the dissertator has consistently adhered to his stated legal positivist position. The topic itself, represents an extremely appropriate choice, as it has been little developed in our country to date, despite the continuous development of our procedural legislation. This makes it extremely topical and, at the same time, shows that the dissertator is familiar with the current state of the General Theory of Law and is able to assess the relevance of one or another problem for this scientific discipline. Attention should also be paid to the fact that the problem of the specificities of the procedural law is posed and examined, entirely on a general theoretical plane. A merit of the work is not only the extensive bibliographical basis, but also the detailed analysis of case law, through which the

dissertator has supported some of his main theses, such as the existence of private law rules of a procedural nature.

As a result of all this, in deriving and applying his methodology, the dissertator has been able to reach a *number of original conclusions that represent a scientific contribution*. Such is, first of all, the detailed argumentation that in the theoretical-interpretive framework of Prof. Venelin Ganey's legal phenomenon the Kelsenian notion of an individual legal norm could be integrated without contradiction. The systematization of the views on the division of law into substantive and procedural is also a novelty of scientific importance. The extensive conceptual apparatus that the dissertator has developed in the course of his work is also a significant scientific contribution. The defined notions of *procedural group of juridical facts*, *the generic concept for all norms that reveal a certain procedural nature and procedural norm can serve in future general theoretical research on the topic*. The proposed classification of the types of juridical procedures is also a contribution.

IV. Recommendations, comments and questions on the work.

As comments I would make the following:

I believe that the dissertator could have used a different concept than "specificities" for procedural law-for example, elements, features, qualities, special characteristics, distinctive features, etc. Perhaps, this is due to the fact that so far rarely a work has been devoted to procedural law in the Bulgarian legal literature from the point of view of the general theory of law.

But this does not at all diminish the excellent scientific quality of the proposed work, it is rather a technical-conceptual remark, which can in no way diminish the work in question, which I give a high evaluation - both as a study, and as a style, and as a normative-definitive expression of opinions, analyses, interpretations, conclusions. Mr Stoyanov has achieved his main task - the writing of a serious study that is thorough, original and innovative.

V. Conclusion.

I believe that the present *procedure and in particular the submitted dissertation comply with all the requirements* of the Academic Staff Development Act in the Republic of

Bulgaria (ASDARB), the Regulations for the Implementation of the Academic Staff Development Act in the Republic of Bulgaria (RIASDARB) and the applicable Regulations for the Conditions and Procedures for the Acquisition of Scientific Degrees and the Occupation of Academic Positions at Sofia University "St. Kliment Ohridski". The dissertant fulfils the national minimum requirements for the PhD degree for the scientific field in which he has carried out the research. The dissertation presented by him represents an *original scientific contribution and* shows that the dissertator has mastered both in-depth general theoretical knowledge and the necessary skills for independent scientific research work.

Guided by the above, I give a positive assessment of the scientific work of the dissertator, objectified in his dissertation and propose the scientific jury to award the scientific and educational degree of "Doctor" to Lyubomir Petrov Stoyanov in Social, Economic and Legal Sciences, professional field 3.6. Law (Theory of State and Law. Political and Legal Studies (General Theory of Law)).

06.03.2024

Signature:.....

/Prof. Dimitar Radev, DJSc./