REVIEW

by Prof. Dr. Mihail Aleksandrov Malchev, Higher School of Agribusiness and Regional Development, City of Plovdiv, field of higher education 3. Social, Economic and Legal Sciences, professional direction 3.6. Law.

Member of the scientific jury according to Order No. 3-PK-83/09.01.2023 of the Rector of New Bulgarian University.

Regarding:

Dissertation work on subject "Structure, Organization and Procedural Foundations of First-instance Civil Justice in Bulgaria from 1878 to 1948 and Comparison with the Current Regulations",
with author Aleksandar Velinov Angelov for awarding educational and scientific degree "Doctor".
in the field of higher education: 3. "Social, Economic and Legal Sciences", Professional direction: 3.6. "Law, Doctoral Program "History of State and Law".

The presented dissertation work on subject "Structure, Organization and Procedural Foundations of First-instance Civil Justice in Bulgaria from 1878 to 1948 and Comparison with the Current Regulations ", developed by Aleksandar Velinov Angelov, a doctoral student of independent training, assigned with the right of defense in doctoral program "History of State and Law" of New Bulgarian University meets the legally established requirements set out in the acts regulating the conditions and procedure for acquiring the educational and scientific degree "doctor".

• Information about the PhD student

Aleksandar Velinov Angelov is a doctoral student in an independent form of doctoral studies, studying in the doctoral program "History of State and Law" at the Department of Law at New Bulgarian University, majoring in "History of State and Law".

He acquired his legal education at the Faculty of Law and History at "Neofit Rilski" Southwestern University. The professional legal experience of Aleksandar Angelov includes exercising a judicial profession, since 2009 he has been a junior judge in Montana District Court. He has been a district judge since 2012, and since 2017 he has been the administrative

head of Sofia District Court.

• General characteristics of the presented dissertation work

The dissertation work developed by the doctoral student has a volume of 340 standard pages, divided into an introduction, three independent chapters and a conclusion. The bibliographic reference of the literary sources shows that a total of 37 sources were used, of which 36 were in Cyrillic and 1 in Latin. The introduction, aim and objectives, research methods, historical overview, discussion, analysis, conclusions, contributions and proposals de lege ferenda are an important part of the content of the dissertation work

The first chapter of the dissertation is dedicated to the structure and organization of first-instance civil justice in Bulgaria in the period 1878-1948. This chapter, in turn, is divided into separate parts, dedicated to each of the judicial laws in force during that period, as well as an analysis of every one of them. Special attention is paid to the judicial institutions operating during this historical period. Issues related to the status of judges are presented in an interesting and accessible manner.

The second chapter, entitled "Procedural Foundations of First-instance Civil Justice in Bulgaria in the Period 1878-1948", presents a chronological analysis of the procedures by which first-instance court proceedings were conducted.

In the third chapter, a detailed review of the structure, organization and procedural foundations of the first-instance civil justice in Bulgaria at the present time is made, accompanied by the corresponding comparison with the regulation in the period 1878 - 1948. The relevant conclusions to the consideration of each of the essential issues are logically reported. . The validity of the conclusions is also based on the comparison between the relevant current legal regulation and the previous regulation.

The subject of research in the dissertation is the development of first-instance civil justice, accompanied by an analysis and comparison between the current regulation and previous regulations. The regulation contained in the judicial laws in force in Bulgaria and laws regulating civil proceedings in the period from 1878 to 1948, as well as the Law on the

Judiciary and the Civil Procedure Code in force at the time of the preparation of the dissertation, were studied in chronological order. On this basis, the system of courts and the internal organization of the courts established by virtue of the normative regulation, as well as, on the other hand, the basic provisions based on the procedural laws, regarding the consideration of first-instance civil proceedings and the related duties of the court, have been analyzed.

The dissertation aims to provide reasoned conclusions as to whether any legislative decision appears to be more successful than another and based on established positive examples from history, i.e. through the search for well-forgotten good decisions of the past, to bring forward proposals for upgrading and improving the current law.

When researching and analyzing the topic of the dissertation work, the thesis is outlined that the optimal structure and organization of the courts, as well as the adequate procedural legislation, appear to determine the speed and quality of the administration of justice

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To achieve the goal of the dissertation and to fulfill the tasks set in it, the following methods have been precisely selected and correctly used:

- scientific analysis and synthesis;
- empirical research method;
- historical and comparative-legal method,
- normative method,

- critical research method.

The essence, structure, role, meaning and historical development of first-instance civil justice are comprehensively presented and analyzed. On the basis of an in-depth study and analysis, the doctoral student makes reasoned concrete proposals for the improvement of the current legal framework concerning the structure and procedural regulation of first-instance civil justice.

• Relevance and significance of the developed topic

The topic is very broad in scope and a scientific challenge in its development is not to get deep down in unnecessary details, which would blur the issues and not highlight the highlights of the scientific research. I find that the dissertation has handled this problem well, not missing the big picture and the important issues, while at the same time comprehensively covering first instance civil justice.

As a general conclusion about the relevance and importance of the chosen topic of the dissertation, it should be pointed out that it is of essential importance for the judicial system and for society as a whole, as it is an undeveloped issue in its entirety.

The presented dissertation work has a high practical importance and contribution in connection with the optimal organization of first-instance civil justice administration. Flexible solutions are given to ensure the full and lawful course of court proceedings.

It is noteworthy that the aspects of the subject of first-instance civil justice researched in the dissertation are analyzed in detail and undoubtedly have a high degree of significance. The dissertation examines and presents key issues of essential importance not only to the judicial system but also to society as a whole.

The proposals and decisions formulated by the doctoral student, aimed at achieving a higher degree of speed and quality of justice administration, can be determined to be of particularly high importance. The dissertation contains, for example, specific proposals for the development of the regulations concerning the invitation of the parties to an agreement

and the ordered proceedings.

- **Contributory nature of the dissertation work**

By developing the presented topic, it is ensured to fill an existing gap in theoretical and practical terms. The author shows an independent attitude to the researched issues and is able to convincingly argue his own theses. The scholarly apparatus is rich, and the citation is accurate and conscientious.

The presented dissertation is the first of its kind complex and comprehensive study, in theory and in practice, of the problems of first-instance civil justice. A significant contribution is represented by the suggestions made and formulated by the author for updating and improving legal acts directly related to the functioning of the courts of first instance, which would support the creation of appropriate mechanisms to ensure the speed and quality of the administration of justice.

- **Evaluation of the obtained scientific results**

An indisputable scientific value is a complex scientific study of the interrelationship between the legal framework of judicial institutions and the procedural regulation of first-instance justice. In this way, a very convincing presentation of the author's theses and completeness of the discussed issues is achieved.

The purpose and tasks of the research have been successfully fulfilled in the developed dissertation work. The formulated goal was achieved through the implementation of specific tasks, including:

- analysis and comparison between the current regulation and the previous regulations of first-instance civil justice;
- delineation of the essential functional characteristics of first-instance civil justice administration;
- substantiation of conclusions about the most appropriate legislative authorizations and the highlighting of positive examples from the legal framework in force in the period from

1878 to 1948;

- formulation of proposals for upgrading and improving the current legal framework of first-instance civil justice

An excellent impression is made by the completeness and thoroughness of the study of the developed topic. Also concretely formulated proposals for amending regulations, with a view to achieving the optimal structure and organization of the courts of first instance, as well as the adequate procedural legislation for the implementation of their judicial functions.

The first chapter, dedicated to the judicial institutions that existed in the period 1878-1948, being the first instance for civil cases and their internal organization, is divided into eight subsections. The detailed analysis of the judicial system in our country during this historical period should be noted. Through a detailed historical review, the significant development that took place during the operation of the five laws regulating this matter is traced. The most significant amendments and additions to the current zoning laws are subjected to a critical analysis, examined in a comparative plan with the current regulations. It has been reported that from the very beginning of the existence of the Third Bulgarian State, there was a three-level structure of the courts, in which the district courts were the first-instance professional court, and the regional (provincial) courts were the appellate instance, analogous to today's appellate courts as functionally at the top of the pyramid stands the created Supreme Court.

A contributing point is the analysis of the institute of justice of the peace (sometimes referred to in the legal framework as "peace courts", which name is also legal), introduced by the Law on the Organization of the Courts, adopted on May 16, 1880. The thesis that the magistrates' courts are an analogue of the currently existing district courts has been argued. This conclusion is supported by the comparison of the two institutions according to various criteria, showing many similarities. Special attention has been paid to the implementation of justice of the peace, including both the formation of the judicial institutions themselves and the appointment of judges and employees in them. The innovations and changes introduced by each of the subsequent judicial laws are presented sequentially. The in-depth analysis of

the internal structure of the judicial institutions and the way of forming their numerical composition makes a good impression. Reported are the important legislative authorizations that have left lasting traces in our judicial system until recent times: introduction of the institute of "judicial candidates"; the conditions for the appointment to a judicial position; the introduction of partial immutability. A contribution can also be made when examining the question of requirements related to the occupation of each judicial position, as the tendency is to increase the qualification that the candidates for appointment should possess. Increasingly strengthening the requirement for transparency of the procedure for appointing judges is justified. An important point in the dissertation is the historical comparison and analysis of the requirements for the promotion of judges, as well as the order for it. Next, the normative provisions concerning the creation and functioning of the Supreme Judicial Council, the institute of irreplaceability, the creation and maintenance of a register and an index of decisions issued by the Supreme Court of Cassation were examined. Research in these directions gives completeness and depth to the work.

The second chapter of the work is dedicated to the study of the procedural foundations of first-instance civil justice in Bulgaria in the period 1878-1948. In chronological order, the procedural procedures by which the courts considered civil proceedings as first instance are analyzed. Special attention, which is a contribution of the work, is devoted to the comparison between the regulation in the specified period and that based on the procedural laws in force at the moment. This thorough comparison and distinction enables positive examples to be drawn. Appropriately, at the beginning of the chapter, the overall development of our legislation after the beginning of the Third Bulgarian State is briefly traced. The procedural laws that regulated the conduct of proceedings in civil cases were studied, namely: Court proceedings in civil cases, which are under the jurisdiction of justices of the peace since 1880; Civil Procedure Act 1892; Warrant Proceedings Act 1897; The Mobile Justices of the Peace Act 1920 and the Civil Procedure Act 1930. This approach deserves support and allows to fully clarify the order in which each of the mentioned normative acts provided for the conduct of court proceedings and, more

specifically, common claim proceedings. The main issues concerning the regulation of the essential stages through which the examination of the cases passes and which are related to various obligations of the court have been fully and in detail examined. The clarification of the regulations relevant to each of these stages of the proceedings should be evaluated as positive, which clearly shows what activities, or efforts, the judge should have made in order to examine and conclude a civil proceeding under the general claim procedure. In relation to the common practical problem - the workload of judges, the author convincingly argues his understanding that the procedural issues discussed by him, individually and in their entirety, have a significant impact on this workload. The conclusion that the workload of judges is of utmost importance to their ability to maintain certain satisfactory levels of speed and quality of justice should be supported. The distinction which the Dissertant has made between the proceedings in civil cases conducted before the District Courts as the first instance and that conducted before the Justices of the Peace is apt. The latter was regulated as a special proceeding, in which certain deviations from the general rules applicable to the district courts were foreseen, including the types of evidence that could be collected were separately regulated. Due to the particularity presented in the exposition, the proceedings before the district courts were logically considered first, which is the general and then the peculiarities, the differences from it, concerning the proceedings conducted before the justices of the peace as the first court instance. In the focus of the study, the significant new moments in the regulation of first-instance civil proceedings are justified. Such are the introduced different development of the process in its preparatory part, i.e. before the holding of an open court session, namely the double exchange of documents, as well as the planned designation of a judge-reporter, who will single-handedly collect the evidence admitted by the court panel. Next, the possibilities for appealing certain categories of decisions are also fully and in detail examined, namely that the right to appeal depends on the evidence on the basis of which they were rendered. A contributing point is the directing of attention to the regulation of the so-called temporary decision, which in practice is not special rules concerning the issuance of a final judicial act, but a type of summary procedure, for which the district court, acting as the

first instance, was competent. I find particularly important and practically useful the analyzed hypothesis of Art. 36 of the Civil Procedure Act 1930, that the District Judge shall not write reasons for decisions which are not subject to appeal.

I fully share the finding that in this way the work of the main court of first instance is significantly facilitated, as in cases deemed less important by the legislature. Decisions that are not subject to appeal before another court and for which the preparation of reasons for the objectified dispositive by the court is not required, according to Art. 39 of the Civil Code of 1930 are decided by district judges in personal claims and in rem claims for movable property, the cost of which claims does not exceed BGN 2,000.

The last in terms of structure, Chapter Three covers the comparison between the regulation of the structure, organization and procedural foundations of first-instance civil justice in Bulgaria in the period 1878-1948 and the regulation in its current form according to the Law on Judicial Power, as well as the formation of the basis of this comparison of conclusions for possible improvement of our legislation. It contains some of the most interesting and contributing parts of the dissertation. The important questions regarding the development over the years of the regulation of the conditions and procedure for the appointment and promotion of judges have been studied. The solution of these vitally defining issues for the judicial system and important for society as a whole has been debated for many years and is associated with significant difficulties. In this regard, the author's view is correct, that a balance should be sought between, on the one hand, the most objective possible assessment of the qualities of the candidates for promotion and, on the other hand, that this assessment and, accordingly, the promotion should be carried out within a reasonable time frame, so that staffing the courts becomes difficult. The topic, which has caused frequent changes in the legal framework related to the irremovability of judges, is also commented on. The conclusions that the author draws are important in the direction of the expedient introduction into the legislation of the authority for judicial assistants to decide independently on some issues concerning the administration of cases. The detailed analysis of the figure of the candidates for a judicial position acting under the previous regulation is

valuable, as well as the conclusion from the analysis of their status that they were in practice in a position that was something in the middle between the position of junior judges and judicial assistants at the present time a moment. Next, the issue of local jurisdiction is also fully and in detail examined. It justifiably emphasizes its essential importance for the activity of the courts, which in certain cases is a prerequisite for better access to justice, and at the same time is of great importance for regulating the even workload of individual courts. Existing attempts in the practice of abuse of the right to choose local jurisdiction are adequately presented and a proposal is made to overcome such practices. The characteristics and importance of the preparation of a report on the case, which is an important part of the activity of the court of first instance, have been researched, analyzed and presented in detail. The need for more detailed regulation in this regard has been correctly considered, for which a corresponding proposal de lege ferenda has been formulated. With a particular practical orientation are the considerations dedicated to the regulation related to the preclusions in the civil proceedings and the means of proof in the process. In general, it is a good idea to upgrade the current legislation, the basis of which is to use the regulation that existed in the past, regarding the introduced sanction for not providing evidence when the authenticity of a document is challenged within the time limit provided by law. Of interest are the reflections on a historically different concept of the legislator regarding the announcement of the judicial act. The differences in the moment when the court decision should be rendered according to the repealed and the current regulation are emphasized. The analysis of the requirement for the motivation of court decisions made within the framework of the dissertation work can be assessed as positive. I support the thesis advocated by the doctoral student that the introduction at the legislative level of certain restrictions on the volume and content of the reasons of the court decisions in cases of low factual and legal complexity would save the expenditure of efforts and time of the judges, which could be directed to another more substantial activity. Also of practical importance is the author's idea of introducing a regulation that, in certain cases, would allow a decision to be made in the case without an open court session having been held beforehand. In this way, it would actually be much faster

to reach the final judicial act and at the same time the work of the judges would be eased. A high degree of thoroughness and precision on the part of the doctoral student has been demonstrated in the examination of the development of the legislative framework concerning warrant proceedings in Bulgaria. In this connection, both propositions de lege ferenda should be supported, which the dissertant does. The first is to introduce a requirement that, in addition to the execution order, the debtor is also served with a copy of the claim with any written evidence attached to it and evidentiary requests made. And the second is to grant the court the power to assess whether the claim claimed by the applicant could reasonably be opposed by an objection of an expired statute of limitations, including assessing any claims for suspension or interruption of the statute of limitations.

I find that the most important contributing moments, which are also indicative of the practical perspectives of the research, are the de lege ferenda proposals formulated by the doctoral student. Of course, each of these proposals should undergo further evaluation with a view to its direct use in future amendments and additions to current legal acts, but they are valuable material for future work in this direction.

• Evaluation of dissertation publications

The doctoral student Alexander Angelov has realized the required volume and number of publications, which are directly related to the topic of the dissertation work and reflect parts of it. In quantitative and qualitative terms, the publications fully meet the requirements for the acquisition of the Educational and Scientific Degree "Doctor".

• Evaluation of the autoref

A 44-page abstract has been prepared and presented for the dissertation work. The abstract correctly reflects the content of the dissertation work. It includes the general characteristics of the development, its structure and content. A brief presentation of the dissertation work is presented, emphasizing the achieved results. My overall assessment of the abstract is that it presents specifically and in the necessary completeness the main points

of the dissertation work.

• Critical notes, recommendations and questions

I have no critical remarks about the PhD student, as the discussed thesis is written in clear and understandable language, but at the same time it shows a good academic style. The author used a wide range of scientific methods of research, which clearly contributed to obtaining answers to all the questions that arose for me.

Against the background of my positive assessment of the dissertation work developed by the doctoral student, I want to make a recommendation to deepen his theoretical and practical efforts to introduce uniform, clearly prescribed and applicable mechanisms aimed at helping to simplify and speed up the first-instance judicial proceedings.

CONCLUSION:

In view of the fulfillment of all the legally established requirements for the development and defense of a dissertation work for the award of the Educational and Scientific Degree "Doctor", in accordance with the requirements of the Law on the Development of the Academic Staff in Republic of Bulgaria and the rules for its implementation, and in view of the overall assessment of the above-mentioned contributions in the submitted dissertation work , I **confidently give a high assessment of the dissertation work and vote positively "for" the awarding of an educational and scientific degree "Doctor" to Aleksandar Velinov Angelov** in the field of higher education 3. "Social, Economic and Legal Sciences", professional direction 3.6. "Law".

City of Sofia Reviewer: …….

18.01.2023

(Associate Professor Doctor Mihail Malchev)