

BULGARIAN ACADEMY OF SCIENCES
INSTUTE FOR THE STATE AND THE LAW



ELKA BOYCHOVA POROMINSKA

LEGAL AID FOR DEFENSE OF CIVIL SUBJECTIVE RIGHTS

SUMMARY OF DISSERTATION

For obtaining the educational and scientific degree „Doctor“in Law

Field of higher education: 3. Social, economic and legal sciences

Professional field: 3.6 Law

Scientific specialty: Civil and family law

Scientific supervisor:

Associate professor Nikolay Kolev, PhD

Sofia

2025

The dissertation has a volume of 235 pages and includes an introduction, five chapters, a conclusion, a bibliography, a list of abbreviations; declaration of originality, list of articles and reports published by the author. After the conclusion, 21 proposals "de lege ferenda" for amending the legislation are presented. There are 399 footnotes. The literature used includes 62 sources in Bulgarian and foreign languages, 169 electronic sources, 14 Internet sites and others.

The Introduction justifies the relevance of the research, the methods of scientific research used, briefly presents the content of the work, the set subjects object of the research, the research question, tasks and scope of solving the questions. Hypotheses for the answer are given, confirmed or rejected after summarizing the research done at the end of the dissertation work.

Chapter one is devoted to the grounds for occurrence of legal relations regarding legal aid, according to the current system of legal aid in our country, provided in civil (by analogy and administrative and executive) cases. The questions regarding the provision of legal aid through official defender and through a special representative, general features and peculiarities are considered.

Chapter two examines the subjects of legal relations under the legal aid. Special attention is given to the distinct entity, the National Office for Legal Assistance, established under the Legal Aid Act in 2006, for the Bar Councils, the lawyers, the Minister of Justice, the Court.

Chapter three is dedicated to the content of legal relations under legal aid. The rights and obligations of the individual subjects of the legal relations under Chapter II have been examined. A quantitative and qualitative analysis of the state of the official data in our country on the financing of legal aid, the number of lawyers providing legal aid the payment of the aforementioned and the conclusions from them, which lead to improving the effectiveness of legal aid, was made. The types of liability of lawyers in connection with the

implementation of legal aid - disciplinary, sanction, civil, were considered. The issue of misuse of legal aid was also addressed.

Chapter four examines in detail the hypotheses regarding the termination of legal aid and the related payment of legal aid provided by public defender and by a special representative in the context of the Judgment of the Court of Justice of the EU of November 23, 2017 in joint cases C-427/16 and C-428/16 and the Judgment of the CJEU of February 25, 2024 in case C-438/22. Attention has been paid to compliance with the principles of the Treaty on the Functioning of the European Union (TFEU) including the principle of competition, proportionality and fairness, and legitimate goals.

Chapter Five examines the issues regarding the concept of "legal aid" and its functions. A brief historical review and comparison with the previous regulation in our country is also made. A definition of the term "legal aid" in a broad and a narrow sense is given. The legal aid provided in cross-border cases and those in the country of residence and the transposition of Directive 2003/8/EC The particularities of legal aid in proceedings before the Court of the EU were also examined, as well as other current directives, regulations and case law. The particularities of legal aid in proceedings of the Court of the EU are indicated.

The Conclusion synthesizes the discussed issues with a view to distinguishing the different forms for the implementation of legal aid. This makes it possible to justify and formulate proposals for amendments and additions to the law "de lege ferenda".