BULGARIAN ACADEMY OF SCIENCES

INSTUTE FOR THE STATE AND THE LAW



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TRANSFER OF THE ACCUSED FOR TRIAL AND PREPARATORY ACTIONS FOR CONSIDERATION OF THE CASE IN COURT SESSION

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: Criminal procedure

Scientific supervisor:

Prof. Gergana Marinova, PhD

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The dissertation is 288 pages long and includes an introduction, two chapters and a conclusion, bibliography, list of abbreviations; a declaration of originality is also attached. After the conclusion, 9 proposals *de lege ferenda* for amending the legislation are presented. The footnotes are 591. The literature used includes 89 sources in Bulgarian, 15 sources in foreign languages, 7 electronic sources, 3 others.

The introduction justifies the relevance of the topic, briefly presents the content of the work, justifies the methods of scientific research used.

Chapter one traces the historical development of the institute of transferring the accused for trial and provides a comparative legal review of its regulation in a number of modern legislations. The historical review is broad and includes different eras and legal systems - information on the application of the institute in Muslim, Roman, canon law and in the Middle Ages is systematized. The comparative legal study is also broad in scope and includes both large countries that traditionally fall into similar studies such as France, Italy, Germany, England and the USA, as well as smaller countries and those in which we rarely show comparative legal interest such as Montenegro, Armenia, Greece, the Czech Republic, Romania. The last part of this chapter provides a historical overview of Bulgarian legislation on the transfer to court, from the Liberation until 2017, when the current regulations of the institute were adopted. The provisions of the Temporary Rules for the Judicial System of Bulgaria, the Criminal Procedure Act, the Criminal Procedure Code of 1952, the Criminal Procedure Code of 1974 and the current Criminal Procedure Code from 2005 until its amendments in 2017 are also analyzed.

Chapter two is dedicated to the modern regulation of the transfer to court and the preparatory actions for the consideration of the case in a court session, examining a number of issues characteristic of the regulation after 2017. The essence of the transfer to court and the competence of the authorities in relation to it in cases of a

general and private nature are analyzed. The procedural actions in relation to the institution of the proceedings are examined, including according to the regulation on actions in the court information system introduced in 2020. The powers of the reporting judge, the essence of the pre-trial hearing, the actions for its scheduling, the participants in the pre-trial hearing, the issues considered in it and the procedure for its consideration are analyzed in detail. The possibilities for exercising judicial control over the acts issued in the pre-trial hearing are analyzed. Attention is paid to important issues related to the constitution of the parties and the elimination of obvious factual errors in the indictment.

The conclusion confirms the important place of the transfer of the accused for court trial and the preparatory actions for the consideration of the case in a court session as an independent stage of the criminal process.