OPINION

by Prof. Lazar Georgiev Gruev, Doctor of Legal Sciences, Faculty of Law, Sofia University "St. Kliment Ohridski"

Regarding: Dissertation for the scientific degree "Doctor of Sciences" in the professional field 3.6 Law (Criminal Procedure) in connection with a decision of the Scientific Council of the Institute for the State and the Law at the Bulgarian Academy of Sciences on March 26, 2025.

Title: "The Principle of Inner Conviction in Bulgarian Criminal Procedure"

Author: Prof. Gergana Marinova Marinova, PhD

I have known the author, Prof. Gergana Marinova, for many years, both through our joint work in various commissions and through her writings. We have no joint publications, and there are no circumstances that might raise doubts about a potential conflict of interest.

The dissertation presented in this procedure is a logical culmination (at this stage) of her upward scientific development. She has never shied away from the pressing issues of criminal procedure, which arise from frequent legislative changes, the challenges of integration into the European legal space, often contradictory case law, and, equally important, differences in scholarly interpretations. All these "pressing issues" have always been reflected in her scientific work—starting with her dissertation on the preventive detention; continuing with studies on the charging of the defendant and the exceptions to criminal procedure principles as well as her articles on the specifics of the special surveillance measures as methods for gathering evidence, the minimum EU standards, and many others. All these works undeniably demonstrate scientific courage, a keen sense of relevant legal issues, and a necessary scholarly interpretation of fundamental yet practically significant problems in the application of the Criminal Procedure Code.

I am convinced that the three distinguished reviewers will provide a far more detailed analysis of this highly interesting academic work. I mention these aspects only to support the conclusion that this dissertation is indeed a logical product of the author's scientific efforts.

The author has succeeded.

She has chosen a topic that, at first glance (by her own admission), may not seem relevant but is, in reality, quite the opposite. In fact, I argue that it is one of those "eternally relevant" topics because it touches on a fundamental principle of criminal procedure (a), permeates the work of every procedural body (b), and moreover, has become a widely recognized concept in social discourse (c). When I first read this work, I realized how mistaken I had been in assuming this issue was long clarified. I am glad that the author has convincingly disproven this assumption. Yes, the topic is relevant, important, and necessary—for both theory and practice.

The structure of the dissertation, entirely subordinated to the theme, is classic, well-balanced, and logically sequenced. The language is concise but not "impoverished," precise in legal terminology, and each sentence flows naturally from the previous one. This makes the work exceptionally readable and, more importantly, comprehensible and engaging—even for readers unacquainted with criminal procedure. This quality should be emphasized because academic works should not repel readers due to an unnecessarily complex style.

I will not summarize the dissertation’s content, as it has already been accessible to anyone interested through the Institute's website. Instead, I will proceed directly to my analysis, which, due to the limitations of this opinion, must necessarily be brief.

The work is exceptionally harmonious. Every section serves a purpose, contributing to the overarching goal of examining and clarifying the principle of inner conviction. The main scholarly contribution lies in the approach to substantiating the thesis that inner conviction is a principle establishing the method of evaluating evidentiary materials in a case, and its clarification should be achieved by defining the characteristics of evaluation rather than conviction itself.

When I refer to harmony, I mean, first, that even the brief historical (and comparative) notes are not mere additional narration but support the idea of returning to the "roots," the origins, and the original form of this fundamental principle of modern criminal procedure.

Second, harmony is reflected in the logical sequence of the exposition, allowing readers to gradually and smoothly delve into the topic without needing to constantly refer back and forth.

A significant scholarly contribution is the argument that, alongside the principle of judicial independence, the principle of inner conviction should be understood as a method of evidence assessment—negating the formal theory of evidence while simultaneously establishing a standard of proof. This principle dictates that evidence should be evaluated freely, conscientiously, and therefore, based on inner conviction.

The exceptionally detailed examination of this principle leads to a logical conclusion central to the author’s thesis: evidence and their means of establishment (means of proof) cannot have predetermined value (strength). Consequently, the proposal to rename Article 14 of the Criminal Procedure Code to "Evaluation of Evidentiary Materials Based on Inner Conviction" and to repeal its first paragraph is entirely justified.

Another significant contribution is the well-founded argument that the principle is best understood not through conviction itself, as traditionally approached in theory, but through an analysis of essential characteristics of evaluation—its subject, purpose, evaluators, and various related considerations. Particularly insightful is the notion that inner conviction is articulated (formalized) in the reasoning of procedural acts and is subject to review by higher judicial instances, which reinforces the practical applicability of the dissertation.

Noteworthy contributions can be find in this part of the dissertation which discusses the concept of the standard of proof. It has not been thoroughly examined in Bulgarian legal theory but is well established in other countries. After reviewing theoretical and legislative perspectives in England and the U.S., the author proposes a definition of the standard of proof applicable to Bulgarian criminal procedure. According to her, the standard of proof should be understood as the degree of certainty of the decision-maker that the facts upon which their judgment is based actually

occurred. In-depth consideration is then given to the specifics of evidentiary evaluation under different standards of proof—an aspect of the work that, I am convinced, will be followed with great interest by legal practitioners.

A remarkable achievement of this dissertation is that, while exploring an inherently abstract principle of criminal procedure, the author successfully connects theoretical analysis with practical concerns of judicial and law enforcement authorities. And more importantly, to make clear, well-argued legislative proposals *de lege ferenda*, which I fully support. Such contributions should be prominently recognized and commended.

There are many more positive aspects of this dissertation, but I believe these points suffice. What is necessary to be said at the end of this Opinion is that this is an unquestionably high-quality academic work, an independent product of the author's research efforts. It enriches legal scholarship, provokes thoughtful analysis, and most importantly, demonstrates the author’s expertise. All of this provide ample justification for the following

Conclusion:

The dissertation of Prof. Gergana Marinova, **"The Principle of Inner Conviction in Bulgarian Criminal Procedure"** contains scientific and applied contributions that constitute original research in the field and meet all requirements of the Bulgarian Law on the Development of Academic Staff in the Republic of Bulgaria. The dissertation demonstrates that the author possesses profound theoretical knowledge and professional skills in criminal procedural law, as well as research qualities that have led to significant academic and practical contributions. I therefore give a highly positive assessment and recommend that Prof. Dr. Gergana Marinova be awarded the scientific degree "Doctor of Sciences."

April 22, 2025

Prof. Lazar Gruev