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RELATIONSHIPS'**

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"IMMUNITY IN THE INTERNATIONAL AND IN
THE CONSTITUTIONAL RIGHT ON REPUBLIC BULGARIA AND THE
REPUBLIC OF ALBANIA'

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I. GENERAL CHARACTERISTICS OF THE DISSERTATION

1. Introduction and relevance of the study

One of the most important legal institutions in both international law and national legal systems is immunity. For decades, the international community and sovereign states have drawn up and adopted a number of legal acts that aim to ensure the effective implementation of the said institution established in favor of the public interest. In the Republic of Albania and the Republic of Bulgaria, the regulation of immunities granted to different categories of legal entities has a long historical development, which has been influenced by diverse political and social factors. In the current dissertation, an attempt will be made for a thorough and comprehensive presentation and analysis of the development of the institute through the various historical stages, as well as the changes in its concept, through the prism of contemporary public relations. The aim is to reach an objective assessment regarding the adequacy of international and national norms regulating different types of immunities, in view of the significant changes that have occurred in social development in recent decades. Given the wide application of the institute in criminal, criminal procedural, civil, administrative and tax law, and its significant impact on the fundamental principles of a democratic state, international bodies and national authorities should make continuous efforts to improve the regulation of immunities and prevent the possibilities of their abuse.

This need arises from the significant consequences of the institute, which can lead to the violation of the principles of the rule of law, the separation of powers and the constitutionally established balance between institutions, and above all to the violation of the fundamental principle of equality of citizens.

The relevance of the present study is determined by the need to analyze the nature and application of the extremely important legal institution "immunity" in the context of the modern development of international legal entities and sovereign states, which is influenced by new political, economic and social factors.

Today, the attitudes and expectations of society are different from those that decades ago determined the political processes and legislative approaches in different countries. Substantial changes in public relations require a rethinking of existing concepts of immunities in international

law, EU law and in the legal systems of national states. **In this sense is the main thesis advocated in the present work, namely: immunities are old-fashioned institutions that do not correspond to the modern development of society. Precisely for this reason, they should be removed from the current international, European and national legal sources, or at least limited in content and application, in order to guarantee to the highest degree the principles of the democratic state, including the basic principle of protection of fundamental rights and liberties of citizens.**

2. Subject of the study

The main subject of the present study is the complex of legal norms laid down in international and European law, and in the national legislation of the Republic of Bulgaria and the Republic of Albania, which outlines the main legal characteristics of the institution of immunity in its varieties, together with its application in different legal systems. With a view to formulating a consistent and substantiated thesis about the essence, limits, functions and character of the Institute of Immunity, the scope of the research subject also includes questions about:

- the concept of immunity in international law and in the constitutional law of the Republic of Bulgaria and the Republic of Albania;
- the comparative legal aspects of immunity and the historical roots of the institute in international law and in the domestic law of the two studied countries;
- types of immunity in international law, their essence, main characteristics and application;
- the legal framework of constitutional immunities in the Republic of Albania and the Republic of Bulgaria during the various historical stages and its application;
- current issues related to the regulation of immunities in the modern world and the need to improve their legal framework;
- the existing tools to prevent the abuse of immunity as a major problem of modern society, which violates the principle of equality of citizens.

In the conclusion of the dissertation, the conclusions reached from the conducted scientific research are formulated and proposals de lege ferenda are presented for improving the legal framework of immunity in both countries.

3 Purpose and scientific tasks of the research

The main goal of the present research is to outline the nature of immunity as a key institution in international law and in the legal systems of the Republic of Bulgaria and the Republic of Albania, as well as its main features and characteristics.

In fulfillment of the stated goal, **the following scientific tasks are set:**

- To carry out a historical review of the development of the concepts of immunity in international law and in the legal systems of the Republic of Bulgaria and the Republic of Albania, including by systematizing the institute's sources;
- To develop an analysis of the complex of normative rules regulating immunity in international law and in the legal systems of the two studied countries;
- To outline the constitutional-legal essence of the different types of immunities in the domestic law of the two studied countries by deducing their characteristics, essence, functions and goals;
- To evaluate the effectiveness of the current legal framework concerning immunity in international law and in the constitutional law of the two studied countries, assessing the need for its improvement in the context of modern public relations;
- To analyze the issue of abuse of immunity and formulate possible solutions to prevent this negative phenomenon;
- To analyze the impact of international standards on the regulation of immunity in the Republic of Bulgaria and the Republic of Albania, as well as the compliance of the relevant national rules with these standards;
- To define the gaps and imperfections in the legal framework of the analyzed institute in the two studied countries, proposing reasoned recommendations *de lege ferenda* for their removal, which could contribute to the better practical application of the institute and to the effective protection of the public interest and the rights of citizens.

4. Research methodology

To achieve the goal and tasks of the research, a set of methods established in science and more specifically the historical, normative, systemic and comparative legal methods was applied. This approach makes it possible to conduct a comprehensive analysis of the chosen topic. Through

the historical method, the development of the concept of immunity in international law and in the legislation of the Republic of Bulgaria and the Republic of Albania, as well as the applied approaches to regulating the institute during the various historical stages, is traced. The normative method provides an in-depth analysis of the normative rules related to the subject of the study, included in international law and in the internal law of the Republic of Bulgaria and the Republic of Albania.

The systematic method makes it possible to examine the legal regulation of immunity in international law and in the national systems of both countries, which consists of a number of universal, regional and national acts.

The comparative law method makes it possible to evaluate the international and national norms regulating the institute, and to compare their application and functioning, as well as the compliance of the Albanian and Bulgarian legislation with the established international and European standards.

5. Scientific novelty and practical significance of the work

In the international, Bulgarian and Albanian literature, quite a few monographs, studies and articles have been published in which the different types of immunities and their practical application have been analyzed. For example, in the Bulgarian legal literature, extremely thorough and comprehensive scientific analyzes of immunity were carried out by Professor, Doctor of Laws. Boris Velchev, as one of his most remarkable works is "Immunity under the criminal law of the Republic of Bulgaria". The contribution of scientific works published so far on the subject is indisputable, but at the moment the doctrine lacks a comprehensive study that would present an analysis of all the main issues concerning the concept of immunity, its development and essence, the varieties of the institute and their specifics, especially its applicability in modern social relations. In this regard, with this dissertation, an attempt has been made to enrich the legal doctrine with a complete and systematic scientific study of the regulation of immunity in modern international and European law and the internal legislation of the Republic of Albania and the Republic of Bulgaria.

Practical importance of work

This dissertation work can be used as a guide for practicing lawyers, experts in the field of various legal branches (international law, constitutional and criminal law), to support the education of students in the specialty "Law", as well as to increase the legal culture of all citizens.

6. Volume and structure of the dissertation work

The dissertation meets the requirements of Art. 27 of the Regulations for the implementation of the Law on the Development of the Academic Staff in the Republic of Bulgaria and the specific requirements of the Faculty of Law of SU "Kliment Ohridski" and contains: introduction; an exposition in which three chapters are distinguished, each with thematically and logically structured sub-topics, presenting an analysis of the individual elements, forms and specifics of the legal institute, proposals de lege ferenda, points of contribution, conclusion and bibliography. In the bibliography of the scientific study, a complete list of cited sources from international, Albanian and Bulgarian legal doctrine is attached, as well as a list of judicial acts of international, European, Albanian and Bulgarian judicial jurisdictions cited in the work.

The volume of the dissertation is a total of 201 pages, including a table of contents, a list of abbreviations used, and a list of references, with a total of 424 footnotes.

II. CONTENTS OF THE DISSERTATION

The first chapter of the work presents the main characteristics and specifics of immunity as a fundamental institution in international law and in the domestic law of the two studied countries, as well as the current problems encountered in its application in modern society. The need for a comprehensive review and improvement of the immunity regulation is justified, with a view to guaranteeing the basic principles of the legal and democratic state, which have been established for decades. Next, arguments are presented for the importance and relevance of the chosen topic. The subject, goals and tasks of the scientific research, the applied research methodology, as well as the factors that determine the scientific novelty and practical importance of the chosen topic are defined. Information on the structural presentation of the dissertation is presented.

The main thesis of the author is that immunities are old-fashioned institutions that do not correspond to the modern development of society. Precisely for this reason, they should be removed from the current international, European and national legal sources, or at least limited in content and application, in order to guarantee to the highest degree, the principles of the democratic state, including the basic principle of protection of fundamental rights and liberties of citizens.

In the second chapter of the work, the concept of immunity and the logic behind the institute in international law are analyzed. The historical origin of the institute in international law and its development through the various historical stages until today are traced. A classification of the types of immunities established in international law, their essence, main characteristics, functions, specifics and application is presented. The immunities defined by their carriers, as well as the regulation of immunity in the law of the European Union, are examined in detail. In a separate subsection, the gaps and imperfections in the immunity system in international and EU law are brought out in a systematized form, and recommendations for their elimination are formulated. Current issues of immunities and equality of citizens and the abuse of immunity are explored, which are essential for ensuring democracy and the principles of the rule of law and the protection of human rights in modern society. The dissertation presents arguments that the prohibition of abuse of immunity is a phenomenon that affects a number of developed legal systems, therefore its prevention and limitation require taking adequate measures by the responsible legal entities at the international, European and national level.

The third chapter of the work is dedicated to the constitutional immunities in the Republic of Bulgaria and in the Republic of Albania. Their historical development, as well as the legislative approaches to their regulation, have been traced. An in-depth analysis of the current sources of the institute in the modern legal systems of the two countries was carried out, as well as an analysis of the similarities and differences between them. A brief summary of the international acts regulating immunity, which have been ratified by the Republic of Albania and the Republic of Bulgaria, is presented. The content, functions, specifics and applicability of the established constitutional immunities are analyzed. The gaps and imperfections in the immunity system in the Republic of Albania and the Republic of Bulgaria have been brought out in a systematized form. Recommendations have been formulated for their removal, with a view to

improving the regulatory framework, ensuring better practical application of the institute and achieving effective protection of citizens' rights.

A separate subsection presents the general characteristics of immunity in international and constitutional law, discussing in detail the issues concerning the essence of immunity as a procedural obstacle, especially in criminal proceedings, as well as the content of immunity as an institution of substantive law. The extremely important issue of the applicability of immunities in modern legal systems and compliance with the principle of equality of citizens is analyzed.

The conclusion of the paper presents the author's conclusion about the essence of immunity and the need for its elimination or at least limitation from the sources of legal systems, due to its inconsistency with the principles of modern international and European organizations, as well as sovereign states.

III. MAIN CONTRIBUTION POINTS OF THE DISSERTATION

1. A comprehensive review of the historical development of the "immunity" institute from its inception to its regulation in modern international, European and national legal systems has been conducted.

2. A thorough analysis of the concept of immunity in international law and the logic behind the institution is presented.

3. A systematized classification of the types of immunities in international law and in the national legislation of the Republic of Bulgaria and the Republic of Albania is presented.

4. An interdisciplinary approach was applied when studying the issues related to the application of immunity in the various legal branches - criminal law, criminal procedural law, etc.

5. An extensive review and analysis of the established definitions of immunity in the national legislation of the Republic of Bulgaria and the Republic of Albania, as well as in the international legal framework, is presented.

6. A comparative legal analysis of the immunity of the people's representative in the Republic of Albania and the Republic of Bulgaria is presented.

7. The legal essence of immunity, its importance as a procedural obstacle and as an institute of substantive law have been thoroughly analyzed.

8. The essential question concerning the application of immunity and the guarantee of the equality of citizens has been investigated.

9. The main problems that arise before the modern states in connection with the growing trend of abuse of immunity are outlined, and mechanisms for overcoming it are presented.

10. Reasoned recommendations *de lege ferenda* have been formulated in connection with the regulation of immunity in the Republic of Bulgaria and the Republic of Albania, and more specifically: to amend the legal regulation of the immunity of senior government officials in the two studied countries; for the introduction of a mechanism for the protection of the rights of citizens in the case of crimes of a private nature by the Bulgarian people's representatives; for synchronizing the constitutional and criminal-procedural provisions in the Albanian legislation in connection with the conduct of criminal proceedings against a representative of the people; for the introduction of a clearly defined mechanism to control the activities of the Chief Prosecutor in connection with his powers to request the lifting of the immunity of the people's representatives in the two countries, etc.

IV. DISSERTATION RELATED PUBLICATIONS

1. *The Immunity of Members of Parliament in the Republics of Albania and Bulgaria*, Journal De Jure. "St. Cyril and St. Methodius" University of Veliko Tarnovo". Veliko Tarnovo, 2021
2. *The immunity of the people's representatives in the Republic of Albania and in the Republic of Bulgaria*, Journal De Jure. "St. Cyril and St. Methodius" University of Veliko Tarnovo". Veliko Tarnovo, 2023
3. *Immunity in European Union Law*, Journal De Jure. "St. Cyril and St. Methodius" University of Veliko Tarnovo". Veliko Tarnovo, 2023