

TO THE MEMBERS OF
THE SCIENTIFIC DEFENSE JURY
ON DISSERTATION PAPER

REVIEW

By Dr. Ralitsa Yankova Ilkova Petkova, Associate Professor of Criminal Law at the Faculty of Law of the University of St. Kliment Ohridski" - member of the scientific jury for the public defense of Anisa Giu's dissertation work, doctoral student - full-time study, in the Department of "International Law and International Relations" of the Faculty of Law of Sofia University "St. Kliment Ohridski", on the topic "Immunity in the international and constitutional law of the Republic of Bulgaria and the Republic of Albania", for awarding the educational and scientific degree "Doctor" in the professional direction "3.6 Law", scientific specialty "Public International Law"

DEAR MEMBERS OF THE SCIENTIFIC JURY,

By Order No. RD 38-344/02.07.2024 of Prof. Dr. Georgi Valchev, Rector of SU "St. Kliment Ohridski", I have been appointed as an internal member of the scientific jury in the procedure for the defense of Anisa Giu's dissertation work on the topic "Immunity in the international and constitutional law of the Republic of Bulgaria and the Republic of Albania" for awarding the educational and scientific degree "doctor" in field of higher education: 3 "Social, economic and legal sciences", professional direction: 3.6 "Law", scientific specialty "Public International Law". In this capacity, I submit the following opinion.

I. Brief presentation of the doctoral student and her work

Doctoral student Anisa Giu was born on 10.07.1989 in the city of Tirana, Republic of Albania. She received her higher legal education in 2014 at the Faculty of Law of the University of Tirana. In 2012, she received the educational qualification "bachelor" in international relations at the Faculty of Law of the Private University "Justinian I" - Tirana.

In 2021, she was enrolled as a full-time doctoral student in the Department of International Law and International Relations at the Faculty of Law of the University of St. Kliment Ohridski" in the field of higher education: 3 "Social, economic and legal sciences", professional direction: 3.6 "Law", scientific specialty "International public law", with the topic of the dissertation work "Immunity in the international and constitutional law of the Republic Bulgaria and the Republic of Albania".

The doctoral student started her professional career in 2017 as a lawyer in the Gju law office - Tirana. Since 2022, she has been studying at the School for Magistrates at the High Prosecutorial Council of the Republic of Albania, where she is training to become a prosecutor, and is expected to take office in 2025. In the period 2018-2022, she leads seminar classes in the discipline of criminal law to students majoring in "Law" at "Aleksander Moisiu" State University - Durres, Republic of Albania. She speaks Albanian, English, German and Italian.

The doctoral student's interests are primarily in the field of international public law, international criminal law, constitutional law, criminal law. She is a participant in a number of scientific forums. The scientific supervisor of the doctoral student Anisa Gju is Prof. Dun Boris Velchev.

On the topic of the dissertation, the doctoral student has three publications, as follows: "Immunity in the law of the European Union" - In: DE JURE, Veliko Tarnovo, Issue 1/2023 (26), ISSN 1314-2593 (Print), ISSN 2367-8410 (Online), pp. 191 – 196; "The immunity of the people's representatives in the Republic of Bulgaria and the Republic of Albania" - In: DE JURE, Veliko Tarnovo, Issue 1/2022 (24), ISSN 1314-2593 (Print), ISSN 2367-8410 (Online), pp. 177 - 184 and "Legal regulation of the immunity of magistrates in the Republic of Bulgaria" - In: DE JURE, Veliko Tarnovo, Issue 2/2023 (27), ISSN 1314-2593 (Print), ISSN 2367-8410 (Online), pp. 402 - 406 .

Doctoral student Anisa Gju's dissertation is on "Immunity in the international and constitutional law of the Republic of Bulgaria and the Republic of Albania" and is a thorough and systematic study, which has not only scientific, but also a marked scientific-practical significance.

The object of the candidate's scientific analysis is the institution of immunity, outlined by the legal norms in international and European law and those of the national legislation of the Republic of Bulgaria and the Republic of Albania.

The subject of the scientific analysis are the questions related to the essence, limits, functions and character of the institute of immunity; 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 institution in international law and in the domestic law of the two countries under study; the types of immunity in international law, their essence, main characteristics and field of 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; the existing tools to prevent the abuse of immunity as a major problem of modern society, which undermines the principle of equality of citizens.

The goal that the doctoral student has set for himself is to outline the essence 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 have been formulated: 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; analysis of the complex of normative rules regulating immunity in international law and in the legal systems of the two studied countries; clarification of the constitutional and legal essence of the different types of immunities in the domestic law of the two studied countries; evaluation of 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; analysis of the issue of abuse of immunity and formulation of possible solutions to prevent this negative phenomenon; analysis of the impact of international standards on the regulation of immunity in the Republic of Bulgaria and the Republic of Albania.

The research is characterized by a structure including three chapters and a conclusion.

In the first chapter of the dissertation work, entitled "General characteristics of the dissertation work", the main characteristics and specifics of immunity as a fundamental institution in international law and in the domestic law of the two studied countries are presented, as well as the current problems encountered in its application. 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. The importance and relevance of the chosen topic is argued. 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 topic of analysis are defined.

Chapter two of the dissertation entitled "Immunity in Public International Law" is devoted to clarifying the concept of immunity in international law. 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 the international legal system, 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. Gaps and imperfections in the regulation of immunity in international and EU law are indicated, 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.

Chapter three of the dissertation, entitled "Constitutional immunities" is dedicated to 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. The subject of scientific analysis are the active sources of the institute in the modern legal systems of the two countries. The content, functions, specifics and applicability of the established constitutional immunities have been clarified. Gaps and imperfections in the immunity system in the Republic of Albania and the Republic of Bulgaria have been pointed out, and recommendations for their elimination have been formulated. The general characteristics of immunity in international

and constitutional law have been clarified, and the issues regarding the nature of immunity as a procedural obstacle, especially in criminal proceedings, as well as the content of immunity as an institution of substantive law have been discussed. The applicability of immunities in modern legal systems and the observance of the principle of equality of citizens are analyzed.

The study has a total volume of 199 pages, including table of contents, list of abbreviations used and list of literature used; the reference to literary sources contains a total of 156 titles, both in Cyrillic and Latin; footnotes total 424 in number. Citations are correct.

II. Evaluation of the scientific and scientific-applied results and contributions of the dissertation work

The dissertation work represents an indisputable contribution to criminal procedural theory, a high-value, thorough and comprehensive scientific work, the results of which are essential for the development of legal science. The following should be outlined as the main contributing points of the author.

The doctoral student has made serious efforts to research and analyze in detail the concept of immunity, through the prism of contemporary social relations, as well as the historical development of this concept and the factors that have been important in this direction.

Of importance for the development of legal science is the systematic study of the types of immunities in international law and in the constitutional law of the Republic of Bulgaria and the Republic of Albania - their essence, main characteristics and field of application.

The comparative legal analysis of the immunity system and the historical roots of the institution in international law and in the domestic law of the two studied countries impresses with depth and precision. This analysis will be essential for the development of legislation in our country and in the Republic of Albania.

It is important to examine 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 this part the work could be useful to the legislator.

It can be confidently asserted that the dissertation student has concentrated his scientific research in the field of the particularly topical issue of immunity today, its historical development, essence and meaning, the varieties of the institute and their specifics and above all its applicability in contemporary public relations. The goals and objectives of the research set by the doctoral student have been fully achieved.

The doctoral student has a valuable contribution in formulating recommendations *de lege ferenda*. Of course, not all of them can be unconditionally shared, but they deserve to be put to a wider public discussion, with a view to bringing out rational proposals for amending the legislation.

III. Critical notes and recommendations

The analyzed scientific work is characterized by numerous and indisputable contributing moments, but some **critical remarks should also be made.**

Thus, it can be recommended that the questions related to the general characteristics of the dissertation work, considered in chapter one of the same, be singled out as an introduction to the study, and in chapter one, the concept of immunity and the historical background of the institute be considered. It is also appropriate that the general characterization of immunity in international and constitutional law, as well as the author's views on the nature and applicability of constitutional immunity in the modern world, find a place at the beginning of the study.

The critical remarks made, however, do not affect the overall positive assessment of the dissertation work. They do not alter the unconditional conclusion that the scientific work was written as a result of hard work and good faith efforts of the author in the field of scientific analysis.

The scientific work of the dissertation unequivocally indicates that the doctoral student Anisa Giu is distinguished by the ability to comprehensively and thoroughly investigate criminal procedural issues; has rich theoretical knowledge in the field of international public law and the constitutional law of the Republic of Bulgaria and the Republic of Albania; demonstrates that it can work with large bodies of information from which it is able to formulate relevant scientific conclusions.

IV. Conclusion

In conclusion, bearing in mind the considerations set out above, I express my positive assessment that the dissertation submitted for defense on the topic "Immunity in the international and constitutional law of the Republic of Bulgaria and the Republic of Albania" meets the requirements of Art. 6, para. 3 of the Law on the Development of the Academic Staff in the Republic of Bulgaria (ZRASRB) and on Art. 27, para. 2 of the Regulations for the Implementation of the ZRASRB for obtaining the educational and scientific degree "Doctor", which is why I propose to award the educational and scientific degree "Doctor" in the professional direction "3.6 Law", scientific specialty "Public International Law" to Anisa Giu.

Member of the Scientific Jury:

(Assoc. Dr. Ralitsa Ilkov)

Sofia, September 4, 2024